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United Nations

Report of the Committee on the Elimination of Racial Discrimination

General Assembly

Official Records • Fifty-third Session
Supplement No. 18 (A/53/18)

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Letter of transmittal

21 August 1998

Sir,

In recent years, the Chairman of the Committee on the Elimination of Racial Discrimination, when submitting to you the annual reports of the Committee, has regularly stressed the importance of international action to prevent escalation of ethnic and racial conflicts. The events of the past year lead me, once again, to draw to your attention the value of preventive action before tensions are transformed into armed conflicts. Chapter II of this report contains an account of our contribution to the preventive process.

Chapter I shows that, as a result of the 1998 election, the Committee no longer includes any members who are nationals of States in sub-Saharan Africa. It is to be hoped that you will draw the attention of States to article 8, paragraph 1, of the Convention, which stipulates that consideration should be given to equitable geographical distribution.

In the present report, the Committee has indicated its views that it should meet periodically at United Nations Headquarters in New York, in accordance with article 10, paragraph 4, of the Convention. A significant number of States parties to the Convention, virtually all from developing countries, lack diplomatic representation in Geneva but have permanent missions in New York. Our experience has demonstrated that many of these States are frequently unable to send representatives to Geneva to present reports submitted to the Committee. Chapter I contains a decision recommending the convening of periodic meetings in New York, and another decision recommending that the duration of one of our annual sessions be extended.

Chapter III sets out the Committee's observations on the reports of 21 States and our reviews of the implementation of the Convention in States whose reports are seriously overdue. Chapter V, on Non-Self-Governing Territories, takes up a responsibility of the Committee which we have not been able to discharge so effectively since all our sessions were transferred to Geneva in 1987.

In chapter VIII, the Committee has indicated its initial suggestions for the agenda for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as ideas the World Conference may take into consideration in any declaration and programme of action it may decide to adopt.

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Article 10 of the Convention states, in paragraph 3, that the secretariat of the Committee shall be provided by the Secretary-General of the United Nations. Your predecessors provided an adequate secretariat. This is no longer the case. Our workload increases, but the resources for assisting our work decline. We are able to discharge our obligations only because outside parties fund the employment of additional personnel. This situation is unfavourable to the effective performance of our work.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mahmoud **Aboul-Nasr**
Chairman
Committee on the Elimination
of Racial Discrimination

Chapter I

Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 21 August 1998, the closing date of the fifty-third session of the Committee on the Elimination of Racial Discrimination, there were 150 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the fifty-third session, 25 of the 150 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those that have made the declaration under article 14 are contained in annex I to the present report, as is a list of the 24 States parties that have accepted the amendments to the Convention adopted at the Fourteenth Meeting of States Parties, as at 21 August 1998.

B. Sessions and agendas

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1998. The fifty-second (1245th-1274th meetings) and fifty-third (1275th-1303rd meetings) sessions were held at the United Nations Office at Geneva from 2 to 20 March and from 3 to 21 August 1998, respectively.

4. The agendas of the fifty-second and fifty-third sessions, as adopted by the Committee, are reproduced in annex II.

C. Membership and attendance

5. In accordance with the provisions of article 8 of the Convention, the States Parties held their seventeenth meeting at United Nations Headquarters on 14 January 1998 1/ and elected nine members of the Committee from among the candidates nominated to replace those whose term of office was due to expire on 19 January 1998.

6. The members of the Committee for 1998-2000, including those elected or re-elected on 14 January 1998, are the following:

Name of member	Country of nationality	Term expires on 19 January
Mr. Mahmoud **Aboul-Nasr****	Egypt	2002
Mr. Michael Parker **Banton****	United Kingdom of Great Britain and Northern Ireland	2002
Mr. Theodoor **van Boven**	Netherlands	2000
Mr. Ion **Diaconu**	Romania	2000
Mr. Eduardo **Ferrero Costa**	Peru	2000
Mr. Ivan **Garvalov**	Bulgaria	2000
Mr. Régis **de Gouttes****	France	2002
Mr. Carlos **Lechuga Hevia****	Cuba	2002
Ms. Gay **McDougall***	United States of America	2002
Mr. Peter **Nobel***	Sweden	2002
Mr. Yuri A. **Rechetov**	Russian Federation	2000
Mrs. Shanti **Sadiq Ali**	India	2000
Mr. Agha **Shahi****	Pakistan	2002
Mr. Michael E. **Sherifis****	Cyprus	2002
Mr. Luis **Valencia Rodriquez**	Ecuador	2000
Mr. Rüdiger **Wolfrum****	Germany	2002
Mr. Mario Jorge **Yutzis**	Argentina	2000
Ms. **Zou** Deci	China	2000

7. All the members of the Committee attended the fifty-second session, with the exception of Messrs. Ferrero Costa and Wolfrum. All the members attended the fifty-third session, with the exception of Mr. Ferrero Costa. Mr. Wolfrum attended the last two weeks of the session.

D. Officers of the Committee

8. At its 1245th meeting (fifty-second session), on 2 March 1998, the Committee elected the following officers for a term of two years (1998-2000), in accordance with article 10, paragraph 2, of the Convention:

Chairman:	Mr. Mahmoud **Aboul-Nasr**
Vice-Chairmen:	Mr. Ion **Diaconu** Mr. Michael E. **Sherifis** Mr. Mario Jorge **Yutzis**
Rapporteur:	Mr. Michael Parker **Banton**

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* Elected on 14 January 1998.

** Re-elected on 14 January 1998.

E. Cooperation with the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization

9. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), 2/ both organizations were invited to attend the sessions of the Committee.

10. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the International Labour Conference, were made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two Committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other information in the reports relevant to its activities.

F. Other matters

11. At the 1245th meeting, on 2 March 1998, United Nations Deputy High Commissioner for Human Rights, opened the fifty-second session of the Committee, and addressed, inter alia, the Committee's role in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, cooperation between the Committee and the Office of the United Nations High Commissioner for Human Rights, as well as cooperation between the Committee and other entities of the United Nations, such as the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights. The Deputy High Commissioner also indicated how the restructuring of the Office of the High Commissioner would affect the servicing of the Committee (see CERD/C/SR.1245).

12. At its 1262nd meeting (fifty-second session), on 12 March 1998, the United Nations High Commissioner for Human Rights addressed the Committee and indicated her awareness of the need to provide the best possible support for human rights mechanisms and treaty bodies. The High Commissioner also stated, inter alia, her intention to be very supportive of the Committee's initiatives on early warning and urgent procedures and the importance of taking a balanced approach to critical issues in various countries. She also noted the specialized expertise available in the Committee and the value of the Committee's work, which had been underscored by issues raised at the seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (see CERD/C/SR.1262).

13. The High Commissioner also addressed the Committee at its 1287th meeting (fifty-third session), on 11 August 1998. She noted with interest the Committee's request to meet periodically in New York. In addition, the High Commissioner welcomed the Committee's interest in assisting in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in participating in the World

Conference itself. She also welcomed the completion of the joint working paper on article 7 of the Convention, undertaken by two members of the Committee, Mr. Ivan Garvalov and Mrs. Shanti Sadiq Ali, and two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Bengoa and Mr. Mustafa Mehedi. She further stated that she looked forward to having an ongoing dialogue with the Committee (see CERD/C/SR.1287).

14. At its 1299th meeting (fifty-third session), on 19 August 1998, the Committee, after having been informed of the Secretary-General's estimate of the financial implications, adopted decision 7 (53), in which it requested that its summer session at the United Nations Office at Geneva be extended by five working days. Furthermore, at the same meeting, the Committee, after having been informed of the Secretary-General's estimate of the financial implications, adopted decision 8 (53), in which it requested that its winter sessions be held on an annual basis at United Nations Headquarters in New York.

Decisions regarding organizational matters adopted by the Committee at its fifty-third session

Decision 7 (53)

The Committee on the Elimination of Racial Discrimination, wishing to keep abreast of its increasing workload and to respond adequately to the current discussions on the reporting process, and having noted the Secretary-General's estimate of the financial implications, decides that it is necessary to extend one of its sessions by five working days. It therefore requests the Secretary-General to take appropriate steps for the implementation of this decision.

1299th meeting
19 August 1998

Decision 8 (53)

The Committee on the Elimination of Racial Discrimination,

Recalling that article 10, paragraph 4, of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the meetings of the Committee shall normally be held at United Nations Headquarters,

Realizing that some States parties, especially developing countries in Africa, Asia and Latin America, maintain diplomatic missions in New York but not at Geneva, and that some of these States encounter financial and other difficulties in attending the meetings of the Committee when their reports are to be examined at Geneva,

Realizing further that those States have difficulty in engaging in a dialogue with the Committee,

Noting that meetings of other treaty bodies are held both at Geneva and in New York,

Recognizing that when many of those States ratified the Convention, the Committee met regularly in New York,

Having noted the Secretary-General's estimate of financial implications,

1. Decides that, in order to discharge its responsibilities under the Convention, it will hold its winter sessions at United Nations Headquarters in New York and its summer sessions at the United Nations Office at Geneva;

2. Requests the Secretary-General to take the necessary measures for the implementation of the present decision.

1299th meeting
19 August 1998

G. Adoption of the report

15. At its 1303rd meeting, on 21 August 1998, the Committee adopted its annual report to the General Assembly.

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

16. The Committee decided at its forty-first session to establish as one of its regular and principal agenda items the item on prevention of racial discrimination, including early warning and urgent procedures.

17. At its forty-second session (1993), the Committee noted the conclusion adopted by the fourth meeting of persons chairing the human rights treaty bodies that:

> "... the treaty bodies have an important role in seeking to prevent as well as to respond to human rights violations. It is thus appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take, within its competence, both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds arising within the jurisdiction of States parties. Where procedural innovations are required for this purpose, they should be considered as soon as possible." (A/47/628, para. 44)

18. As a result of its discussion of that conclusion of the meeting of chairpersons, the Committee, at its 979th meeting, on 17 March 1993, adopted a working paper to guide it in its future work concerning possible measures to prevent, as well as more effectively respond to, violations of the Convention. 3/ The Committee noted in its working paper that efforts to prevent serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination would include the following:

(a) Early warning measures: these would be aimed at addressing existing problems so as to prevent them from escalating into conflicts and would also include confidence-building measures to identify and support structures to strengthen racial tolerance and solidify peace in order to prevent a relapse into conflict in situations where it has occurred. In that connection, criteria for early warning could include some of the following concerns: the lack of an adequate legislative basis for defining and criminalizing all forms of racial discrimination, as provided for in the Convention; inadequate implementation of enforcement mechanisms, including the lack of recourse procedures; the presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other officials; a significant pattern of racial discrimination evidenced in social and economic indicators; and significant flows of refugees or displaced persons resulting from a pattern of racial discrimination or encroachment on the lands of minority communities;

(b) Urgent procedures: these would aim at responding to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Possible criteria for initiating an urgent procedure could include a serious, massive or persistent pattern of racial discrimination; or a serious situation in which there is a risk of further racial discrimination.

19. At its 1028th and 1029th meetings, on 10 March 1994, the Committee considered possible amendments to its rules of procedure which would take into account the working paper it had adopted in 1993 on the prevention of racial discrimination, including early warning and urgent procedures. During the discussions which followed, the view was expressed that it was too early to make changes in the rules of procedure in order to take account of procedures adopted only very recently. There was a risk that the Committee might be locking itself into rules which would soon no longer fit its needs. It would therefore be better for the Committee to have more experience with the procedures in question and to amend its rules at a later point on the basis of that experience. At its 1039th meeting, on 17 March 1994, the Committee decided to postpone to a later session further consideration of proposals to amend its rules of procedure.

20. The following sections describe decisions adopted and further action taken by the Committee at its fifty-second and fifty-third sessions within the framework of its efforts to prevent racial discrimination. At earlier sessions the Committee had considered under this agenda item the situation in Algeria, Bosnia and Herzegovina, Burundi, Croatia, Cyprus, the Democratic Republic of the Congo, Israel, Liberia, Mexico, Papua New Guinea, the Russian Federation, Rwanda, the former Yugoslav Republic of Macedonia and Yugoslavia.

21. At its fifty-second session, the Committee considered the situation in Bosnia and Herzegovina, the Democratic Republic of the Congo, Papua New Guinea and Rwanda and adopted the decisions set out below.

A. Decisions adopted by the Committee at its fifty-second session

Decision 1 (52) on the Democratic Republic of the Congo

1. In its decision 3 (51) the Committee expressed its alarm over reports of massacres and other grave human rights violations, including violation of the International Convention on the Elimination of All Forms of Racial Discrimination, in the Democratic Republic of the Congo.

2. The Committee discussed the current situation at its 1233rd meeting. It regretted that the State party had not accepted its invitation to attend and furnish up-to-date information.

3. The Committee emphasizes the importance of continuing with United Nations investigations into these reports in order to identify the persons responsible for violations, particularly those associated with ethnic differences, and to hold them accountable.

4. The Committee recommends the extension of the mandate of the International Criminal Tribunal in Arusha to include jurisdiction over war crimes and crimes against humanity committed during the war in the Democratic Republic of the Congo.

5. The Committee recommends that, as a priority, the Government be assisted in creating an independent Congolese judiciary.

6. The Committee requests that copies of this decision be transmitted to relevant United Nations bodies and agencies and to the Organization of African Unity.

1271st meeting
19 March 1998

Decision 2 (52) on Papua New Guinea

1. At its 1249th meeting on 4 March 1998 (see CERD/C/SR.1249), the Committee reviewed again the implementation of the Convention by Papua New Guinea, under the agenda item on prevention of racial discrimination.

2. Despite the Committee's repeated requests, Papua New Guinea has not resumed its dialogue with the Committee. It has submitted neither its periodic report nor the additional information requested about the situation in Bougainville.

3. The Committee has not been informed of whether there have been any further contacts between the State party and the representative of the Secretary-General.

4. The Committee reiterates its decision 4 (51) of 21 August 1997 on Papua New Guinea.

5. The Committee once again requests the State party to submit its report under article 9, paragraph 1, of the Convention, as well as to supply information specifically on the situation in Bougainville.

6. The Committee once again invites the State party to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights with a view to drawing up and submitting its report and specific information.

7. The Committee decides that, in the absence of any indication on the part of the State party that it will comply with its obligation under article 9, paragraph 1, of the Convention, it will consider implementation of the Convention in Papua New Guinea at its 53rd session in August 1998, under its prevention of discrimination procedure.

1271st meeting
19 March 1998

Decision 3 (52) on Bosnia and Herzegovina

1. The Committee, referring to its decisions 2 (47) of 17 August 1995 and 1 (48) of 13 March 1996 on Bosnia and Herzegovina, reiterates its readiness and offer to contribute to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up at Dayton and signed in Paris on 14 December 1995, having regard for the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. The Committee re-examined the situation in Bosnia and Herzegovina under the early warning and urgent procedure and noted the absence of a delegation from Bosnia and Herzegovina at its fifty-second session.

3. The Committee decided to keep Bosnia and Herzegovina on the list of countries subject to the urgent procedure and to send a letter to the authorities of Bosnia and Herzegovina to inform them that the Committee will examine the situation of their country at its fifty-third session, in August 1998, and that it wishes to meet a delegation from the country at that time.

4. The Committee expresses the desire to gather up-to-date information urgently on the situation in Bosnia and Herzegovina by hearing from the representatives of the Secretary-General and issuing an invitation to the Special Rapporteur of the Commission on Human Rights for the former Yugoslavia.

5. The Committee reaffirms its wish to keep the situation in Bosnia and Herzegovina under active review.

1271st meeting
19 March 1998

Decision 4 (52) on Rwanda

1. The Committee, at its forty-ninth session, having received a delegation from the State party, invited the Government of Rwanda to submit a report for consideration at the Committee's fifty-first session (A/52/18, para. 372).

2. No report having been received, the Committee scheduled consideration of the implementation of the Convention in Rwanda for consideration at its fifty-second session under the procedure for the prevention of racial discrimination.

3. The Committee discussed the current situation at its 1263rd meeting. It regretted that the State party had not accepted its invitation to attend and furnish up-to-date information.

4. The Committee recalled its 1996 declaration on the situation in Rwanda (A/51/18, para. 30) and its dialogue with the delegation the following year. It noted that the climate of impunity persisting in some areas and the lengthy detention of accused persons under deplorable conditions did not assist the processes of ethnic reconciliation. The Committee expressed concern over the slowness of the process of rebuilding civil institutions, especially those of an independent judiciary, and about action to combat ethnic prejudice in accordance with article 7 of the Convention, and called on the international community to give increased assistance to those affected.

5. The Committee expressed alarm at reports that a new round of genocidal violence has commenced.

6. The Committee decides to reschedule this agenda item for its fifty-third session and earnestly hopes that the State party will accept its invitation to attend and engage in a dialogue with the Committee.

1274th meeting
20 March 1998

22. At its fifty-third session, the Committee considered the situation in Bosnia and Herzegovina, the Democratic Republic of the Congo, the Federal Republic of Yugoslavia and Rwanda and adopted decisions. In addition, the Committee made requests for additional information from Australia and the Czech Republic under this agenda item.

B. Decisions adopted by the Committee at its fifty-third session

Decision 1 (53) on Australia

1. In view of the terms of article 9, paragraph 1, of the Convention, in particular the provision that the Committee may request further information from States parties, the Committee requests the Government of Australia to provide it with information on the changes recently projected or introduced to the 1993 Native Title Act, as well as on any changes of policy in the State party as to Aboriginal land rights and in the functions of the Aboriginal and Torres Strait Social Justice Commissioner. The Committee wishes to examine the compatibility of any such changes with Australia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

2. The Committee wishes to consider the information, in the presence of a representative of the State party, at its fifty-fourth session (1-19 March 1999) and would therefore appreciate receipt of this information by 15 January 1999.

1287th meeting
11 August 1998

Decision 2 (53) on the Czech Republic

In view of the terms of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, in particular the provision that the Committee may request further information from the States parties, and bearing in mind the provisions of articles 3, 4 (c), 5 (d) (i) and 5 (e) (iii) of the same Convention, the Committee requests the Government of the Czech Republic to provide it with information on the disturbing reports that in certain municipalities measures are contemplated for the physical segregation of some residential units housing Roma families. The Committee wishes to consider the information, in the presence of a representative of the State party, at its fifty-fourth session (1-19 March 1999) and would therefore appreciate receipt of this information by 15 January 1999.

1287th meeting
11 August 1998

Decision 3 (53) on the Federal Republic of Yugoslavia

The Committee on the Elimination of Racial Discrimination,

Considering the grave developments in Kosovo and Metohija since the adoption of its concluding observations on 30 March 1998 concerning the report submitted by the Federal Republic of Yugoslavia,

Referring to its concluding observations of 30 March 1998 concerning the report submitted by the Federal Republic of Yugoslavia,

Also referring to general recommendation XXI (48) of 8 March 1996,

Noting Security Council resolution 1160 (1998) of 31 March 1998,

1. Calls upon the Government of the Federal Republic of Yugoslavia and the leadership of the Albanian community in Kosovo and Metohija to stop immediately all military and paramilitary activities or hostilities and to enter into negotiations on a just and lasting solution for Kosovo and Metohija, which shall include a status of the highest level of autonomy which will make it possible for everyone to enjoy human rights and in particular to eliminate all forms of racial discrimination;

2. Reaffirms that questions relating to Kosovo and Metohija can be resolved only by peaceful political means in accordance with international standards in the field of protection of human rights, in particular with respect to the elimination of all forms of racial discrimination, and should be based on respect for the territorial integrity of the Federal Republic of Yugoslavia;

3. Further reaffirms that all people who have been displaced or who have become refugees have the right to return safely to their homes and properties and to receive assistance to do, and to be compensated appropriately for any such property that cannot be restored to them;

4. Reiterates its call that the Memorandum of Understanding on the normalization of education in Kosovo and Metohija, signed by President Milosevic and representatives of the Albanian population in September 1996, be implemented fully;

5. Expresses its deep concern about:

(a) Persisting grave violations in Kosovo and Metohija of basic human rights, including the rights set out in articles 5 (a) and (b) of the Convention;

(b) The disproportionate use of force by the State party's law enforcement agencies and the military against the Albanian population in Kosovo and Metohija which, as reported by the United Nations High Commissioner for Refugees, has resulted in numerous violations of the right to life, destruction of property and in a great number of people being displaced or made refugees, of whom many are women and children, whose deaths or deprivation of their rights to security of person and protection against violence or bodily harm cannot be condoned or justified for whatever reason;

(c) Acts of violence against civilians in Kosovo and Metohija based on ethnic origin committed by whatever groups or individuals;

6. Requests the Government of the Federal Republic of Yugoslavia, in view of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, to provide it with information about the attempts that have been undertaken to achieve through a meaningful dialogue with the Kosovo-Albanian leadership a political solution for the status of Kosovo and Metohija, including the observance of international human rights, in particular as enshrined in the Convention. Such information should be submitted by 15 January 1999 so that the Committee can consider it at its session in March 1999.

1296th meeting
17 August 1998

Decision 4 (53) on the Democratic Republic of the Congo

The Committee on the Elimination of Racial Discrimination,

Reaffirming its decision 3 (51) of 20 August 1997 and decision 1 (52) of 19 March 1998 on the Democratic Republic of the Congo,

Reiterating its general recommendations XXI (48) of 8 March 1996 and XXII (49) of 16 August 1996; 4/

Having taken note of the report of the joint mission charged with investigating allegations of massacres and other human rights violations occurring in eastern Zaire since September 1996 5/ and of the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, 6/

1. Expresses its deep concern about reports of massacres and other grave human rights violations, including violations of the International Convention on the Elimination of All Forms of Racial Discrimination, by Government forces in the Democratic Republic of the Congo which, according to the report of the Joint Mission, are of an ethnic nature and could constitute acts of genocide;

2. Further expresses its concern that recent developments have again led to grave human rights violations committed by all factions involved in the conflict which, according to reports, are directed against particular ethnic groups;

3. Deplores the restrictions imposed by the Government of the Democratic Republic of the Congo upon the work of the Special Rapporteur and of the Investigative Team established in accordance with the Security Council decision of 8 July 1997;

4. Calls upon all participants in the conflict to immediately end all fighting and, in particular, cease all attacks on or harassment of particular ethnic groups;

5. Calls upon the Government of the Democratic Republic of the Congo to fully implement its commitment to the democratization process, respect for human rights and the rule of law, in particular the elimination of all forms of racial discrimination;

6. Urges the Government of the Democratic Republic of the Congo to work closely and strengthen further its cooperation with the office of the United Nations High Commissioner for Human Rights in Kinshasa;

7. Further urges the Government of the Democratic Republic of the Congo (a) to allow the Special Rapporteur to resume his functions, in accordance with his mandate, and (b) to investigate the allegations made in the report of the Secretary-General's Investigative Team;

8. Calls upon the Government of the Democratic Republic of the Congo to undertake all efforts to provide for a safe return of all refugees and displaced persons to their homes and properties and to offer appropriate compensation for any such property which cannot be restored;

9. Decides to keep the human rights situation with respect to racial discrimination in the Democratic Republic of the Congo under review and to discuss it at its fifty-fourth session, in March 1999.

1297th meeting
18 August 1998

Decision 5 (53) on Rwanda

1. The Committee, at its fifty-second session, having expressed concern over the climate of impunity that persists in some regions of the country, the length of detention and the deplorable conditions in which accused persons are held, continuing delays in the rebuilding of civil institutions, especially those of an independent judiciary, and reports of renewed genocidal violence in sections of the country, decided to reschedule the consideration of Rwanda for the Committee's fifty-third session under the agenda item on prevention of racial discrimination, including early warning and urgent action.

2. Having expressed its earnest hope that the State party would accept an invitation to participate in a meeting of the Committee during its fifty-third session, the Committee notes with regret that the State party has not responded to its invitation to appear and that no written submission has been received from the State party for consideration during the fifty-third session.

3. The lack of information from the State party, notwithstanding, the Committee discussed the implementation of the Convention in Rwanda at its 1298th meeting.

4. The Committee expresses great concern over reports of ethnic violence occurring in the north-west of the country and along the border with the Democratic Republic of the Congo. The Committee also expresses concern over reports that the violence has spread to the central region of the country and across the border into the Democratic Republic of the Congo. The Committee calls on the Government of Rwanda and all parties to these conflicts to

respect human rights and humanitarian law obligations at all times, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The Committee also expresses its concern about the continued flow of arms into the region and calls on all States to enforce applicable arms embargos in the region.

6. The Committee calls on the Government of Rwanda to enhance cooperation with respect to the work of the International Criminal Tribunal for Rwanda and to take additional steps to publicize its proceedings.

7. The Committee calls on the State party to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed in 1996 and 1997 by, or under the command of, the Rwandan Patriotic Army, in Rwanda or in the Democratic Republic of the Congo, as detailed in the report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo (S/1998/581, annex). The Committee endorses the recommendation in the report of the Investigative Team to expand the competence of the International Tribunal for Rwanda to cover such violations.

8. The Committee notes with concern that the mandate of the United Nations Human Rights Field Operation in Rwanda has come to an end and that the Government of Rwanda has refused to approve a new mandate with a human rights monitoring mission. The Committee expresses its strong opinion that a human rights mission in Rwanda must be established as a matter of urgency and calls on the State party and the United Nations to initiate a new round of discussions to ensure an international monitoring presence in the country.

9. The Committee recognizes that the Constitution of Rwanda guarantees all citizens equality before the law, without distinction based on race, colour or ethnic origin. Nevertheless, the Committee expresses concern about the under-representation of ethnic Hutus in important political and social institutions of the country.

10. The Committee also expresses its concern about the slow pace of national genocide trials and the legal deficiencies, including significant due process concerns. The Committee similarly expresses its grave concern about the deplorable conditions in which those accused of having participated in the genocide are being detained.

11. The Committee welcomes reports that members of the Rwandan Patriotic Army have been tried for grave human rights and humanitarian law violations that appear to have had an ethnicity-motivated character, including violations that were committed in the 1994 civil war and during the course of subsequent security operations in various regions of the country. Nonetheless, the Committee expresses its concern that some of these military trials appear to have been significantly lacking in basic due process guarantees. The Committee also notes that additional allegations of a similar nature remain to be investigated and, where sufficient evidence exists, soldiers and commanding officers must be prosecuted in a timely manner in proceedings that incorporate sufficient due process guarantees.

12. The Committee takes note of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda.

13. The Committee welcomes steps leading to the establishment of the National Human Rights Commission in Rwanda and calls on the State party, without further delay, to nominate, from a broad cross-section of society, qualified members to the new posts on the National Human Rights Commission. The Committee recommends that technical and advisory services of the Office of the United Nations High Commissioner for Human Rights, including the assistance from members of the Committee, are extended to the National Human Rights Commission in Rwanda so that it can take up its functions and perform them effectively.

14. The Committee decides to bring this decision to the urgent attention of the Secretaries-General of the United Nations and the Organization of African Unity and the United Nations High Commissioner for Human Rights so that this decision may be taken into account by those who have human rights and humanitarian responsibilities in the Great Lakes region.

15. The Committee decides to consider again the situation of Rwanda under this agenda item at its fifty-fourth session and expresses its urgent request to the State party to accept the Committee's invitation to appear before the Committee or to submit an updated report on conditions within the country, including security conditions and reports of escalating ethnic violence.

1299th meeting
19 August 1998

Decision 6 (53) on Bosnia and Herzegovina

1. The Committee discussed the situation in Bosnia and Herzegovina in the context of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee reaffirmed its decisions 2 (47) of 17 August 1995, 1 (48) of 13 March 1996, 2 (51) of 18 August 1997 and 3 (52) of 19 March 1998 on Bosnia and Herzegovina and reiterated its readiness and offer to contribute to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up at Dayton and signed in Paris on 14 December 1995. The situation in Bosnia and Herzegovina was re-examined under the early warning and urgent procedure and the Committee was pleased that the State party was able to accept its invitation to be present during the discussions and to contribute to a constructive and positive dialogue.

2. In its earlier decisions, the Committee expressed its alarm about the many violations of human rights in Bosnia and Herzegovina and the depth of the persisting divisions reflecting clear patterns of discrimination and separation based on national and ethnic origin. The Committee reiterated its alarm about the continuing violence and the danger to which refugees were exposed. Its dialogue with the State delegation, however, enabled it to note that important progress had been made towards peace in certain areas.

3. The Committee emphasizes the importance of the findings of the Special Rapporteur of the Commission on Human Rights in the reports of 15 October 1997

(E/CN.4/1998/13) and of 14 January 1998 (E/CN.4/1998/63), particularly the remarks on the challenges ahead contained in paragraphs 21-27 of the latter report.

4. Believing that tensions associated with ethnic differences are central to many of the existing problems within the territory of the State party, the Committee wishes to stress the importance of supporting and strengthening the Office of the Federation Ombudsman in its work for human rights and the rule of law.

5. The Committee also wishes to support the idea of reviewing school books and other educational materials in order to rid them of falsifications of history or incitement of ill will or contempt towards other peoples and ethnic groups.

6. It is the view of the Committee that the fate and the situation of the Roma population in Bosnia and Herzegovina requires urgent attention and special measures by the authorities and international organizations.

7. The State and its constituent components should amend any relevant existing laws in order to provide amnesty to persons who, solely on grounds of their ethnic identification, avoided conscription or deserted during the hostilities in the former Yugoslavia and all attempts to track down and punish such persons should cease immediately.

8. Further, the State and its constituent components should by all means encourage the safe and voluntary repatriation of refugees and the return of displaced persons to their places of origin with a view to counteracting the effects of the war and "ethnic cleansing", which is of paramount importance to the full implementation of annex 7 of the Peace Agreement. To achieve this, effective measures have to be taken in order to guarantee the full protection of all returnees and to find a durable solution to problems related to property rights, in accordance with general recommendation XXII (49) of 16 August 1996 of the Committee. In this context, the Committee is of the view that repatriation programmes for refugees from Bosnia and Herzegovina should be considered with caution until such protection can be guaranteed.

9. The Committee is convinced that the continued presence, for as long as is necessary, in Bosnia and Herzegovina, with the consent of its Government, of the Office of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, stabilization forces and other international organs and the intensified cooperation between them and the peace-building institutions within Bosnia and Herzegovina is an essential prerequisite for the success of peace efforts and for the promotion of human rights, including the objectives and purposes of the Convention.

1300th meeting
19 August 1998

Chapter III

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

23. At its fifty-second and fifty-third sessions, the Committee considered reports, comments and information from 23 States parties under article 9 of the Convention. Country rapporteurs are listed in annex V.

Russian Federation

24. The Committee considered the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15) at its 1246th and 1247th meetings, on 2 and 3 March 1998. At its 1268th meeting, on 17 March 1998, it adopted the following concluding observations.

A. Introduction

25. The Committee commends the State party for the timely submission of its report, its determination to report regularly, and for having sent a large high-level delegation to meet with the Committee, which is an indication of the importance attached by the Government of the Russian Federation to its obligations under the Convention. The Committee also appreciates the open and constructive approach which characterized the dialogue with the delegation, as well as the additional information provided orally.

26. The Committee notes that the State party has made an effort to address some of the concerns expressed by the Committee in its concluding observations in connection with the twelfth and thirteenth periodic reports. However, the fourteenth report was an updating report focusing on developments that had taken place since the consideration of the previous report, rather than a comprehensive one, as had been requested by the Committee. Moreover, the fourteenth report did not fully follow the general guidelines regarding the form and contents of reports.

B. Factors and difficulties impeding the implementation of the Convention

27. It is noted that the Russian Federation is a large multi-ethnic, multi-religious and multicultural State composed of more than 176 nationalities and ethnic groups. Political changes that occurred in the past few years continue to affect the economic and social situation of the population.

28. Historically, there has been discrimination against individuals on ethnic grounds. In recent years inter-ethnic tensions have risen in various parts of the Russian Federation. In addition, the Russian Federation is a country in transition, with problems of coordination at the legislative and administrative levels.

C. Positive aspects

29. It is noted with satisfaction that since the examination of the previous reports, new legislation has been adopted that completes the provisions of the

Constitution guaranteeing equality of rights and freedoms and prohibiting discrimination. Thus, a new Penal Code entered into force on 1 January 1997 which made changes to the penal legislation, prohibiting discrimination on any grounds. Article 282 makes it a criminal offence to engage in deliberate acts intended to stir up national, racial or religious hatred or discord, to detract from national honour or dignity, to promote the idea of exclusiveness or the inferiority of citizens because of their religious beliefs, nationality or race, or directly or indirectly to restrict the rights of or establish privileges for citizens because of their race, nationality or attitude to religion. Article 282 also lays down punishment for such acts. Article 63 lays down the general rule that having "motives of national, racial or religious hatred or enmity" for committing a crime is an aggravating circumstance.

30. It is also noted that the National Cultural Autonomy Act, whose main purpose is to offer the members of all ethnic communities guarantees of national cultural autonomy, has entered into force. This Act provides a framework within which cultural development programmes are being established and an advisory council on national cultural autonomy has been created. During the period under review a number of autonomous regional, local and federal cultural entities have been established.

31. The Outline of the Russian State Policy on Nationalities was adopted in June 1996. The Outline lays down basic principles and approaches for use in addressing problems in relations between different nationalities, among which is the principle of equal rights for all ethnic groups. In order to implement the Outline, a governmental commission has been established and priority measures have been adopted.

32. It is also noted that a number of republics have adopted laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups.

33. The State Duma has been working on a number of important federal laws, inter alia, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act.

34. It is noted that efforts are being made to strengthen the court system and the independence of the judiciary. Thus, the Judicial System Act, which came into force at the end of 1996, contains guarantees of independence in the administration of justice. Efforts have also been made in the training of judges in matters relating to the exercise of citizens' rights and freedoms.

D. Principal subjects of concern

35. Concern is expressed over the increasing incidence of acts of racial discrimination and inter-ethnic conflicts that occurred in the State party.

36. The report contains limited information on the activities of the Prosecutor's Office and the judiciary to investigate and punish acts of racial discrimination. The oral information in this respect and the information about reparation for damages suffered as a result of such discrimination was limited.

37. Despite the efforts made, shortcomings in the legal framework for protecting all persons against racial discrimination persist. Thus, national legislation does not include a definition of racial discrimination along the lines of article 1 of the Convention. Moreover, neither the Constitution nor the Penal Code contains provisions giving full effect to article 4 (b) of the Convention.

38. Concern is expressed about the situation in Chechnya. It is noted that a number of important steps have been taken to bring about a peaceful settlement of the conflict. However, serious human rights violations still take place in this republic. Persistent efforts towards reconciliation have to be pursued.

E. Suggestions and recommendations

39. Although the Constitution sets up a framework for the protection of individuals against racial discrimination, it is suggested that further measures be taken in order to harmonize domestic legislation with the provisions of the Convention. In this respect the Committee recommends, in particular, that appropriate measures be taken to outlaw and combat all organizations and political groups and their activities that promote racist ideas or objectives, as referred to in article 4 of the Convention. It wishes to receive further information about the investigation of racial discrimination by prosecutors and its punishment by the courts.

40. Domestic legislation should be fully implemented in order to guarantee in practice enjoyment by everyone of the rights listed in article 5 of the Convention and, in particular, the rights to freedom of movement and residence and the right to a nationality.

41. The Committee invites the State party to provide, in its next report, further information on the following issues: (a) complaints and court cases related to racial discrimination, including the respective decisions and judgements, in accordance with article 6 of the Convention; (b) reparation for damages suffered as a result of discrimination in cases brought before courts; (c) measures taken by the State party to combat racial prejudice, to promote understanding among different groups and other issues included in article 7 of the Convention; (d) developments regarding the bills currently under discussion in the State Duma Committee on Nationalities, as well as the bill banning the propagation of Fascism; (e) measures to ensure the adequate development and protection of less developed groups within the Federation; (f) the situation of gypsies or Roma; (g) measures taken against organizations involved in racial propaganda; (h) the situation of the indigenous peoples of the North, Siberia and the Russian Far East.

42. The Committee recommends that the bills under discussion in the State Duma aimed at ensuring equality and non-discrimination on racial grounds, as well as the draft plan of action to put into effect the Outline of the State Policy on Nationalities, include means of supervision in which the groups intended to benefit are represented.

43. Increased attention should be given to programmes intended to improve relations between ethnic groups as well as to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

44. The training of judges and law enforcement officials in matters relating to the exercise of individuals' rights and freedoms and, in particular, on the right not to be discriminated against on racial grounds should be continued and developed.

45. Efforts aimed at strengthening the court system and the independence of the judiciary should continue.

46. Regarding the indigenous peoples, the Committee recommends that the State party consider ratifying ILO Convention No. 169.

47. The Committee recommends that further measures be taken in order to provide minorities and indigenous groups with elementary education in their own languages.

48. The Committee recommends that the State party reinforce its measures to protect human rights in Chechnya, Ingushetia and North Ossetia. Measures should be taken in particular to ensure that serious breaches of international humanitarian law do not remain unpunished and that the victims are afforded just and adequate reparation, and also to ensure normal conditions of life and return for displaced persons.

49. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the Fourteenth Meeting of States Parties.

50. The Committee suggests that the State party address all the points raised in connection with the fourteenth report and ensure the dissemination of the report and the concluding observations adopted by the Committee. The accepted procedure for individual communications under article 14 of the Convention should be made widely known in the State party in the appropriate languages.

51. The Committee recommends that the State party's next report, due on 6 March 1998, be a comprehensive one and follow the guidelines regarding the form and content of reports. It should also address all the points raised in the present observations.

Switzerland

52. The Committee considered the initial report of Switzerland (CERD/C/270/Add.1) at its 1248th and 1249th meetings, on 3 and 4 March 1998. At its 1268th meeting, on 17 March 1998, it adopted the following concluding observations.

A. Introduction

53. The Committee welcomes the initial report submitted by Switzerland and the comprehensive introductory presentation made by the delegation, as well as

the opportunity thus offered to begin its dialogue with the State party. It expresses to the State party satisfaction regarding the quality of the report, although it regrets that the report was not submitted by the due date.

B. Positive aspects

54. It is noted with appreciation that the State party has established a Federal Commission against Racism to promote better understanding between persons of different races, colours, and ethnic or religious origins and to combat all forms of direct or indirect racial discrimination. The Committee welcomes the initiatives taken by this Commission in the sphere of education and information.

55. The adoption of article 261 bis of the Swiss Criminal Code, which is intended to give effect to articles 4 and 5 (f) of the Convention, is welcomed.

C. Principal subjects of concern

56. While the Committee takes note of the draft reforms of the Federal Constitution, it expresses its concern about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization as required by article 2, paragraph 1 (d), of the Convention.

57. While noting that the current immigration policy of Switzerland may be subject to revision, the Committee expresses its disquiet at the current so-called three-circle-model immigration policy, which classifies foreigners on the basis of their national origin. The Committee considers the conception and effect of this policy to be stigmatizing and discriminatory, and therefore contrary to the principles and provisions of the Convention. Other areas of special concern are the extensive system of police control of foreigners as well as the naturalization policies and procedures, which are deemed too protracted and selective. Concern is also expressed about serious incidents of police brutality in dealings with persons of foreign ethnic or national origin.

58. The restrictions on freedom of movement imposed on the Jenisch population and on the Sinti and Roma minorities, as well as tendencies to discredit them, are matters of concern.

59. Incidents of xenophobia, anti-Semitism, racial discrimination and racial violence occurring in the State party as well as the dissemination of racist and xenophobic ideas also occasion concern. Moreover, article 4 (b) of the Convention is not fully implemented, notably as regards participation in illegal and prohibited organizations.

D. Suggestions and recommendations

60. The Committee recommends that the envisaged constitutional reform in the State party more fully reflect the provisions of the Convention. Such reform should entail a clear repudiation of racial discrimination.

61. The State party should give serious consideration to the enactment of a comprehensive law banning discrimination based on race, colour, descent, or national or ethnic origin. Other preventive measures, such as information campaigns, educational programmes and more intensive training programmes for law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII (42) of 16 March 1993 of the Committee, will strengthen the implementation of the Convention.

62. The Committee urges the State party to review those elements of its current immigration policy that classify foreigners on the basis of their national origin, and recommends that it reconsider the reservation made to article 2, paragraph 1 (a), of the Convention.

63. In the light of article 3 of the Convention and general recommendation XIX, (47) of 17 August 1995, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

64. The Committee recommends that the State party take the necessary steps to implement article 4 (b) of the Convention. The Committee further recommends that the State party include in its next report information on complaints of discrimination under article 4 of the Convention and on actions taken by prosecution authorities and by the competent courts, as well as, where appropriate, on reparation granted to victims.

65. The Committee encourages the State party to contribute to the United Nations Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. Furthermore, the Committee expresses the hope that the Federal Commission against Racism will receive adequate resources to enable it to carry out its tasks effectively and that other organizations and institutions dealing with race relations also receive the necessary support.

66. It is noted that the State party has not yet made the declaration provided for in article 14 of the Convention; some members of the Committee request that the possibility of such a declaration be considered.

67. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public in the various official languages of Switzerland. The Committee recommends that the State party's second periodic report, due on 29 December 1997, which may be of an updating character, address all the points raised in the present concluding observations.

Israel

68. The Committee considered the combined seventh, eighth and ninth periodic reports of Israel (CERD/C/294/Add.1) at its 1250th and 1251st meetings, on 4 and 5 March 1998, and, at its 1272nd meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

69. The Committee welcomes the submission of the report but regrets that it does not follow the Committee's reporting guidelines.

70. The Committee regrets that the dialogue between its members and representatives of the State party was not always of a constructive nature. It nevertheless welcomes the replies of the delegation to some of the Committee's questions and their expression of willingness to contribute to a dialogue.

71. The Committee concludes that the Convention is far from fully implemented in Israel and the occupied Palestinian territory, and that the shortfall contributes very significantly to the dangerous escalation of tension in the region.

72. The Committee notes with regret the stalemate in the peace process in the region.

73. It takes note of the establishment of the Palestinian Authority which has certain responsibilities in parts of the occupied Palestinian territory.

B. Positive aspects

74. The measures taken by the State party to prohibit the activities of racist political parties such as Kahana (Kach) are welcomed.

75. The amendment of the Equal Opportunity in Employment Law, prohibiting discrimination in the labour sphere on the grounds of national ethnic origin, country of origin, beliefs, political views, political party, affiliation or age, is welcomed, as is the revision of the National Insurance Law.

76. The Government's efforts to reduce and eventually eradicate the economic and educational gap between the Jewish majority and the Arab minority are commended.

C. The Occupied Palestinian Territory

77. The Committee reiterates its view that the Israeli settlements in the occupied Palestinian territory are not only illegal under contemporary international law but are an obstacle to peace and to the enjoyment of human rights by the whole population in the region, without distinction as to national or ethnic origin. Actions that change the demographic composition of the occupied Palestinian territory evoke concern as violations of contemporary international humanitarian law.

78. Accordingly, the Committee calls for a halt to the demolition of Arab properties in East Jerusalem and for respect for property rights irrespective of the ethnic origin of the owner.

79. The Committee reiterates its opinion of 1991 that the report of Israel should "encompass the entire population under the jurisdiction of the

Government of Israel" (A/46/18, para. 368). Israel is accountable for the implementation of the Convention, including the reporting obligation, in all areas over which it exercises effective control.

D. Concerns and recommendations

80. With respect to articles 1 and 6 of the Convention, the Committee requests the State party to supply it with details of court decisions or other authoritative sources which make a distinction between inequality of treatment on the grounds of race, colour, descent or national or ethnic origin and inequality of treatment on other grounds such as those related to public security.

81. The Committee recommends that the State party extend its legislation against the promotion of racial hatred by completing its implementation of the requirements of article 4 of the Convention. The Committee has earlier held that when anyone makes threats in public against the security of persons of another ethnic origin, criminal proceedings must be initiated with due diligence and expedition. The State party should give this priority attention.

82. The Committee concludes that comprehensive legislation and accompanying measures of implementation will need to be introduced for the State party to meet all the requirements of article 5 of the Convention.

83. The Committee expresses its profound concern that detained persons of Arab ethnic origin are disproportionately subjected to inhuman and degrading interrogation under the Landau Commission rules and that the Supreme Court has failed to declare this illegal.

84. The Committee recommends that the State party reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority, and that it does this in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The Committee encourages the State party to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis; the rights of migrant workers, including undocumented workers, are also a matter of concern.

85. The right of many Palestinians to return and possess their homes in Israel is currently denied. The State party should give high priority to remedying this situation. Those who cannot repossess their homes should be entitled to compensation.

86. While noting the special budget for public housing in the Arab sector, the Committee remains concerned about ethnic inequalities, particularly those centring upon what are known as "unrecognized" Arab villages.

87. While recognizing the great diversity of opinion within the Israeli public, and the Government's actions to implement article 7 of the Convention, the Committee expresses concern about the findings of social surveys which report that very many Jewish young people believe that Arab citizens should not be accorded equal rights.

88. The Committee hopes to find in the next periodic report a comprehensive statement of the Government's vision of the future of its Arab, Bedouin and Druse citizens, together with an indication of how its objectives are to be attained and a review of the effectiveness of its measures to combat discrimination. Any statistics should show whether governmental expenditure and service provision are proportionate to the size of the different ethnic groups.

89. In order to be able to evaluate the implementation of article 6 of the Convention, the Committee requests the State party to present information on the number of complaints, judgements and compensation awards arising from racist acts, regardless of their nature. At the same time, the Committee would like to have any other information, from whatever reliable source, about any inequalities suggestive of discrimination in the administration of criminal justice.

90. Since time did not permit a full exchange of views on many of the issues raised by members at the fifty-second session, the Committee requests the State party to reflect further on the remaining issues and to furnish additional information on these matters in the next report.

91. The tenth periodic report of Israel was due on 2 February 1998. In accordance with article 9 of the Convention, the Committee will expect the submission of a combined tenth and eleventh periodic report by 2 February 2000. The report should be a comprehensive one, follow the reporting guidelines and take account of the Committee's general recommendations.

92. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

93. It is also noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

Netherlands

94. The Committee considered the tenth, eleventh and twelfth periodic reports of the Netherlands (CERD/C/319/Add.2) at its 1252nd and 1253rd meetings, on 5 and 6 March 1998, and, at its 1272nd meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

95. The Committee welcomes the opportunity to continue its dialogue with the State party and the detailed report submitted. It notes with appreciation that the report covers the European part of the Netherlands and, additionally, the Netherlands Antilles and Aruba. The Committee particularly appreciates the open and constructive dialogue with the representatives of the State party and the additional information given orally on the wide range of questions asked by members.

96. The considerable delay in submitting the report is noted, as is the fact that it contains information that has not been updated.

B. Positive aspects

97. The concepts of multicultural society and inter-cultural education, of proportional participation in employment in the army and the police, as well as the involvement of the civil society in activities aiming at the elimination of racial discrimination and intolerance are noted with great interest.

98. Different policies and programmes initiated by the Government or by local authorities in the fields of multicultural education and education of children of minorities, employment, combating racist messages through the Internet and involving persons from different minorities in health programmes and activities are also noted with interest.

99. The efforts undertaken and the innovative measures adopted by the State party to prevent and combat racial discrimination are welcomed. In this regard, note is taken of the Government's willingness to recognize existing problems and to find appropriate solutions, both legislative and administrative.

100. The active participation of organizations representing ethnic minorities, schools and employers in the elaboration and the execution of governmental programmes to combat racism is noted with appreciation. Such involvement has contributed to achieving more successful implementation of reforms and programmes to combat racial discrimination.

101. It is noted with interest that the draft Matching Bill, expected to come into force in July 1998, contains provisions aimed at narrowing the existing differences in the state of health between members of ethnic and national minorities and the rest of the population. It is noted that, according to the draft legislation, illegal immigrants will be provided with essential health-care services.

C. Concerns and recommendations

102. Concern is expressed over the dissemination of ideas of racial superiority and of intolerance by various organizations, political parties and individuals. Although new guidelines for the Public Prosecution Department entered into force in 1993, requiring the pursuit of an active investigation policy in discrimination cases and that prosecution be undertaken in all such cases, reports from non-governmental organizations indicate that these guidelines are not complied with consistently. The Committee recommends that more attention be given to countering such activities and to investigating and prosecuting discrimination cases more actively and effectively.

103. The increasing racial segregation in society, mainly in the big towns, with so-called "white" schools and neighbourhoods, is also noted with concern. Similar trends are also noted in Aruba and in parts of the Netherlands Antilles. The Committee draws the attention of the State party to the relevance of its general recommendation XIX (47) of 17 August 1995 to such trends.

104. Concern is also expressed over practices relating to the entry and control of foreigners, both in the continental territory and in Aruba and the Netherlands Antilles, which could lead to racial discrimination in effect. The Committee requests the State party to take the necessary measures to see that regulations and practices in this field do not have that effect.

105. The disproportionately low rate of participation of minorities in the labour market and their increasing unemployment rates, while the rates for the rest of the population are stable, are noted with concern, as are reports of both direct and indirect forms of discrimination in recruitment procedures. The Committee recommends that further action be taken to ensure and promote equal opportunity in economic and social life, in particular as regards education and employment. Special attention should be given to the information and conclusions found in two ILO reports, "The documentation and evaluation of anti-discrimination training activities in the Netherlands" (1997) and "Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands" (1995).

106. Concern is also expressed at the under-representation of ethnic minorities in most areas of education and, in particular, that only an estimated 2 per cent of the total student population in higher education comes from ethnic minorities. As for Aruba and the Netherlands Antilles, concern is expressed that the process of education may not give the necessary attention to the fact that the majority of the population speaks Papiamento. The Committee requests the State party to give more attention to providing students from ethnic minorities at all levels of education, as appropriate, instruction in their mother tongue.

107. The Committee also requests more information about the implementation of the 1994 Law of Equal Treatment and the activity of the Commission for Equal Treatment. The Committee draws attention to proposals to extend the competence of this Commission and to make it more effective in countering discrimination.

108. The Committee suggests that the State party review its arrangements for the coordination by one ministry of all actions in implementation of the Convention, including reporting obligations.

109. It is further recommended that the next report introduce a consistent nomenclature and classification of ethnic and national minorities, and that the State party include information regarding the Frisian minority and data on the total population according to ethnic and national origin.

110. The Committee recommends that the State party's next report, due on 9 January 1997, be an updating report and that it address all the points raised in the present observations.

Czech Republic

111. The Committee considered the initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1) at its 1254th and 1255th meetings, on 6 and 9 March 1998, and, at its 1270th meeting, on 18 March 1998, adopted the following concluding observations.

A. Introduction

112. The Committee welcomes the report submitted by the Government of the Czech Republic, which generally complies with the reporting guidelines. The Committee notes with appreciation the competent delegation which presented the report and the frank and constructive approach that characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State party's delegation for the additional information it provided to the Committee both orally and in writing.

B. Factors and difficulties impeding the implementation of the Convention

113. It is recognized that the economic, political and social changes that are still taking place in the Czech Republic may affect the full enjoyment of the economic, social and cultural rights of some segments of the population, especially those belonging to minority groups. It is further noted that the policy of tolerance and openness towards minorities is relatively recent and is being implemented progressively.

C. Positive aspects

114. The fact that, according to article 10 of the Constitution, international instruments on human rights and fundamental freedoms such as the Convention that are ratified, promulgated and made effective by the State party are directly applicable and take precedence over national legislation is welcomed.

115. It is noted that the State party, especially since the adoption of the new Constitution in 1993, has taken a number of positive measures in the field of law reform to combat various forms of racial discrimination which fall within the areas covered by the Convention, including the Charter of Fundamental Rights and Freedoms which, inter alia, contains provisions for the protection of national and ethnic minorities. The introduction of a definition of racially motivated crime and the prohibition of racist organizations and publications in the Criminal Code, as well as the ratification of the Framework Convention for the Protection of National Minorities, are welcomed.

116. The recent initiatives taken by the State party intended to prevent inter-ethnic conflicts, including the teaching of children and adolescents and public awareness campaigns promoting tolerance and openness towards ethnic minorities, are noted with interest.

117. In this context, the establishment of the Council of Nationalities in 1994 as a governmental advisory body is noted with appreciation. The State party's recent steps towards an affirmative action policy for the Roma community, including the setting up of an Inter-Ministerial Commission and measures taken within the fields of education and employment, are welcomed. The continuing growth in the number of non-governmental organizations, including associations of minorities, is also viewed positively.

D. Principal subjects of concern

118. Concern is expressed at the persistence of racial hatred and acts of violence, particularly by skinheads and others, towards persons belonging to minority groups, especially Roma and people of African or Asian origin. Reports of anti-Semitic incidents are a further source of concern. The recorded sixfold increase in racially motivated crimes between 1994 and 1996 is also noted with alarm. Additional sources of concern are the presence of a number of organizations and publications which promote racist and xenophobic ideas, and reports that the State party has not been sufficiently active in effectively countering racial violence against members of minority groups.

119. Concern is expressed at information indicating that the number of charges and convictions, including those of skinheads, is low relative to the number of abuses reported. It is also noted with concern that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive. Moreover, in the light of evidence of unnecessarily long proceedings and slow investigations of acts of racial crime, concern is raised about judicial effectiveness in this respect.

120. Taking into account reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, concern is raised that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention.

121. It is also noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

122. In the light of reports indicating discrimination against Roma in areas such as housing, transport and employment, it is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

123. The marginalization of the Roma community in the field of education is noted with concern. Evidence that a disproportionately large number of Roma children are placed in special schools, leading to de facto racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether article 5 of the Convention is being fully implemented.

124. It is noted that the 1993 law on the acquisition of Czech citizenship (Law No. 40/1990) has resulted in widespread criticism from a number of international institutions and non-governmental organizations for its discriminatory effects, especially vis-à-vis Roma. While it is noted that the State party has taken steps to mitigate the negative consequences of the law,

it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposing them to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

125. Doubts were raised about whether the provisions of the State party's Criminal Code is conducive to the full implementation of article 3 of the Convention as it stipulates a state of war for the applicability of section 263 (a).

E. Suggestions and recommendations

126. The Committee recommends that the State party continue its efforts to prevent and counter effectively attitudes and acts of racial violence against persons belonging to minority groups, mainly Roma, and persons of African or Asian origin, and take additional measures to ensure the effective and timely handling of court cases of racially motivated crime and punishment of the perpetrators.

127. The Committee also recommends that the State party give more attention to the activities of political parties and other organizations, as well as to media promoting racist propaganda and ideas of racial superiority, in accordance with article 4 of the Convention.

128. The Committee recommends that the State party provide, in its next report, more specific statistical data on minority representation in local, regional and State administrations as well as information on their situation in the fields of education, employment and health. The Committee would also welcome more data on the political, economic and cultural rights of minorities. Information is also requested concerning the proportions of ethnic minority groups and aliens residing in the country.

129. The Committee recommends that increased attention be paid to introducing legal provisions aimed at safeguarding the enjoyment on a non-discriminatory basis, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention, notably the rights to work, housing, education, and access to services and places open to the general public.

130. The Committee suggests that the State party, in its next report, endeavour to provide more specific information on the implementation of the Convention and of national laws in practice, especially relating to articles 5 and 6 of the Convention.

131. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public awareness campaigns intended to prevent racial discrimination and increase tolerance.

132. The Committee requests that the State party provide, in its next report, comprehensive information on the results of the affirmative action measures that have been taken for the Roma community, in particular in the fields of education, employment and housing.

133. The Committee also urges the State party to resolve the remaining problems relating to the acquisition of Czech citizenship by all residents, including prisoners and children and adolescents in institutions, in particular members of the Roma minority.

134. It is suggested that the State party consider providing increased education and training on racial tolerance and human rights issues to professional groups such as judges, lawyers and civil servants so as to eliminate any cases of harassment or improper conduct in relation to persons belonging to minorities.

135. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among minority groups, government officials and the police. In addition, the State party should ensure the wide dissemination of its report and the concluding observations of the Committee.

136. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

137. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

138. The Committee recommends that the State party's next periodic report, due on 22 February 1998, be an updating report and that it address all the points raised in the present observations.

Ukraine

139. The Committee considered the thirteenth and fourteenth periodic reports of Ukraine (CERD/C/299/Add.14) at its 1256th and 1257th meetings, on 9 and 10 March, and, at its 1269th meeting, on 18 March 1998, adopted the following concluding observations.

A. Introduction

140. The Committee welcomes the thirteenth periodic report submitted by the Government of Ukraine and the revised core document (HRI/CORE/1/Add.63), as well as the additional information provided by the delegation in response to the questions and comments of the members of the Committee. However, it is noted that the report was not prepared in conformity with the Committee's general guidelines for the submission of reports. Equally, it was noted that the report lacked essential information on the ethnic composition of the population. As a result it is more difficult for the Committee to assess how the Convention is implemented in Ukraine in general.

B. Factors and difficulties impeding the implementation of the Convention

141. The Committee notes that the State party is passing through an important historical period in its existence owing to the deep political, economic and social reforms it is undertaking. The Committee further notes that a large

number of formerly deported people are returning to their places of origin in the State party and are seeking employment and shelter. Solving these problems puts a further strain on the resources at the disposal of the Government.

C. Positive aspects

142. The Committee notes with satisfaction the State party's efforts and policies relating to the protection of national minorities, especially the adoption of the Declaration of the Rights of National Minorities and the enactment of the Act on Ukrainian Citizenship, the Act on National Minorities in Ukraine, the Education Act and the Act on Freedom of Conscience and Religious Organizations.

143. The Committee welcomes the State party's accession to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee notes with appreciation the State party's intention to ratify the European Framework Convention for the Protection of National Minorities as well as the European Charter on Regional and Minority Languages.

144. The Committee welcomes the creation of the post of Ombudsman as the independent human rights representative of the Supreme Council, and the establishment of an interdepartmental commission responsible for monitoring and taking preventive action in matters of racism and racial discrimination.

145. The Committee commends the State party's efforts aimed at the return, resettlement and rehabilitation of over 250,000 Crimean Tatars, as well as persons of other nationalities, who were forcibly deported to different parts of the former Soviet Union approximately 50 years ago.

D. Principal subjects of concern

146. Concern is expressed at the fact that many of the Committee's previous concluding observations (A/48/18, paras. 42-65) were not taken into consideration for the elaboration of Ukraine's thirteenth report, especially in regard to the extent to which the Convention is being implemented in the State party (para. 47); lack of information on legislation enacted to implement the punitive provisions of article 4 of the Convention (para. 50); lack of information on complaints and convictions for acts of racial discrimination established under article 66 of Ukraine's Criminal Code (para. 52); and the inadequacy of demographic data on the different ethnic groups living in the State party.

147. While the Committee takes note of the proposed amendments to the Act on National Minorities in Ukraine, concern is expressed that the State party is not fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

148. In regard to article 5, paragraphs (a) and (b), of the Convention, concern is expressed about reports of mistreatment by the police of members of the Roma population, especially those living in the Transcarpathian region.

149. The difficulties experienced by members of minority groups, including the Crimean Tatars, who were deported decades earlier and are now returning to resettle in Ukraine, in acquiring citizenship in the State party is a matter of concern. The Committee is also concerned about the situation of certain other minority groups who do not enjoy all their economic, social and cultural rights, notably the right to education.

150. It is also regretted that insufficient information was provided on the implementation of article 6 of the Convention, notably on the number of complaints of racial discrimination and available remedies, as well as the practice of the tribunals.

E. Suggestions and recommendations

151. In the light of article 3 of the Convention and general recommendation XIX (47) of 17 August 1995, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

152. The Committee emphasizes that the State party should fully comply with its obligations under article 4 of the Convention and that necessary legislative measures of a more comprehensive nature should be taken in order to give effect to the provisions of that article.

153. In the light of article 5 of the Convention and the Committee's general recommendation XXII (49) of 16 August 1996, paragraphs 2 (c) and (d), the Committee recommends that the State party continue to take all necessary steps to fully restore the rights of repatriated members of minorities, including the Crimean Tatars, and to afford them just and adequate reparation where appropriate. The Committee further recommends that issues relating to the citizenship of the repatriated members of minorities, including the Crimean Tatars, be solved as soon as possible in a just manner. In this regard, and in the light of article 5 (d) (iii) of the Convention, the Committee suggests that the State party consider the possibility of acceding to the international instruments on statelessness.

154. In the light of article 5 of the Convention and the Committee's general recommendation XIII (42) of 16 March 1993, the Committee recommends that the State party review and improve the training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all without distinction as to race, colour, or national or ethnic origin. The Committee also emphasizes that the text of the Convention should be widely publicized so that the judiciary, the legal profession, the relevant governmental agencies and the general public are made fully aware of the provisions and the potential of the Convention.

155. The State party is requested to provide detailed information on cases of complaints of racial discrimination brought before the courts and on remedies made available to victims of racism and xenophobia, in accordance with article 6 of the Convention. Information is also requested on cases filed by the Human Rights Ombudsman insofar as they relate to the scope of the Convention. The Committee recommends that the State party undertake

awareness-raising campaigns on the use of judicial remedies against racism, including the procedure provided for in article 14 of the Convention.

156. The Committee recommends that the State party take all appropriate measures to ensure education and teaching in the mother tongue of minorities wherever possible.

157. The Committee suggests to the State party that the report and the present concluding observations be widely distributed to the public in the various languages of Ukraine. The Committee recommends that the State party's next periodic report, due on 6 April 1998, which may be an updating report, address all the points raised in the concluding observations.

Saint Lucia

158. At its 1258th meeting, on 10 March 1998, the Committee reviewed the implementation of the Convention. The Committee noted with regret that the initial report, which was due in 1991, had not been submitted.

159. The Committee also noted with regret that Saint Lucia had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Saint Lucia setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

160. The Committee suggested that the Government of Saint Lucia might wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting an updated report drafted in accordance with the reporting guidelines by the fifty-third session of the Committee.

Lebanon

161. At its 1258th and 1259th meetings, on 10 and 11 March 1998, the Committee considered the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Lebanon (CERD/C/298/Add.2) and, at its 1271st meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

162. The Committee welcomes the submission by Lebanon of its report after a very long period during which the dialogue between the Committee and the State party had been disrupted. The Committee commends the quality and openness of the report which follows the consolidated guidelines. It also appreciates the additional information provided orally by the delegation of Lebanon.

B. Factors and difficulties impeding the implementation of the Convention

163. The Committee notes the severe difficulties facing Lebanon as a result of almost 20 years of war and foreign intervention, which have resulted in

widespread destruction. The Committee also takes note of the difficulties caused by the fact that Lebanon has hosted a great number of refugees for several decades.

C. Positive aspects

164. The Committee welcomes the resumption of the dialogue with the State party after 17 years, during which Lebanon had to endure the trauma of a civil war, two military invasions and subsequent occupation of part of its territory in the south.

165. The Committee welcomes the fact that Lebanon has regained peace and stability, which generate a more favourable environment for the promotion and protection of human rights, including those enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination.

166. The constitutional amendments of 21 September 1990, including the new article 95 relating to the elimination of political confessionalism, are welcomed.

167. The recent establishment within the Chamber of Deputies of the Commission du réglement interne et des droits de l'homme (Commission on Human Rights) is a welcome initiative.

168. It is also to be welcomed that treaties ratified or acceded to by Lebanon, particularly the Convention, become part of internal law upon the exchange or deposit of the instruments of ratification or accession.

D. Principal subjects of concern

169. Concern is expressed at the insufficiency of the legal definition of ethnic groups and the protection given to them in domestic law.

170. Although political and legal efforts have been undertaken since the restoration of peace in Lebanon, concern is expressed regarding the existing resistance to the progressive elimination of the political system of confessionalism, which may impair the State party's implementation of certain provisions of the Convention.

171. Concern is expressed in relation to the full implementation of article 2, paragraph 1, of the Convention, especially with regard to the insufficiency of measures and policies, such as the major information campaign, adopted by the State party to prevent and combat all forms of racial discrimination.

172. Whereas the State party recognizes Syrians, Greeks, Armenians, Copts, Kurds, Jews and the like as "communities" and "religions", there is no recognition of the different ethnic origin of some of them, which might constitute grounds for different treatment of these communities including, in some instances, racial discrimination.

173. All the provisions of article 4 of the Convention are not fully reflected in domestic law and policies, in particular with regard to the

obligation of the State party to adopt immediate and positive measures designed to eradicate all incitement to or acts of racial discrimination.

174. Concern is expressed with regard to enjoyment by everyone of the right to equality before the law (art. 5), especially for ethnic groups, refugees, displaced persons and foreign workers. In this regard, concern is also expressed that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

175. In relation to article 5 (e) (i) of the Convention, the situation of migrant workers is of concern, especially in relation to access to work and equitable conditions of employment. In this regard, reports of confiscations of passports of foreign workers by their Lebanese employers are a matter which should be looked into by the responsible authorities of the State party.

176. There is no specific information relating to article 6, particularly with regard to cases before Lebanese courts, where litigants may have invoked the provisions of the Convention.

177. Although recognizing the validity of the arguments advanced by the State party, the Committee nevertheless notes that there are insufficient measures and programmes in the fields of teaching, education, culture and information aimed at combating prejudices that lead to racial discrimination and at promoting understanding and friendship.

E. Suggestions and recommendations

178. The Committee recommends that the State party ensure that the rights of ethnic groups fully comply with the requirements of article 1 of the Convention.

179. The Committee recommends that the State party include information on the demographic composition of the Lebanese population in its next periodic report.

180. In the spirit of the Taif Agreement (1989) and the constitutional amendments of 21 September 1990, the Committee supports efforts in the State party aimed at the gradual elimination of the system of political confessionalism, taking into account public views and feelings.

181. In the light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures, such as major information campaigns, with a view to preventing and combating all forms of racial discrimination.

182. The Committee recommends that the State party fully reflect the provisions of article 4 in its domestic law.

183. The Committee recommends that the State party take all appropriate measures to fully ensure that all persons, including members belonging to ethnic groups, refugees and foreign workers, be given equal treatment before the law. It also recommends that the State party ensure that all legal

provisions dealing with family-related issues relating to members of ethnic groups and foreigners, are fully consistent with the provisions of the Convention.

184. The Committee recommends that the State party take all appropriate measures, including those of a legal nature, to fully guarantee access to work and equitable conditions of employment to all foreign workers, including Palestinians. The practice of some Lebanese employers of withholding passports of foreign workers should be prohibited.

185. In light of article 7 of the Convention, the Committee recommends that the State party allocate appropriate resources in the fields of teaching, education, culture and information with a view to combating all forms of racial discrimination and promoting understanding, tolerance and friendship.

186. The Committee suggests that widespread publicity be given to the Convention, the periodic reports submitted by the State party and the concluding observations of the Committee.

187. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such declaration be considered.

188. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

189. The Committee recommends that the State party's next periodic report, due on 12 December 1998, be a comprehensive one and that it provide replies to the questions raised during the consideration of the report.

Yugoslavia*

190. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of Yugoslavia (CERD/C/299/Add.17) at its 1260th, 1261st and 1262nd meetings, on 11 and 12 March 1998, and adopted, at its 1272nd meeting, on 19 March 1998, the following concluding observations.

A. Introduction

191. The Committee expresses its appreciation to the State party for the report submitted as well as for the additional information provided orally by the delegation. The Committee also expresses its satisfaction for the resumption of the dialogue with the State party, interrupted since 1995, and welcomes the commitment to continue that dialogue as a means to facilitate the implementation of the Convention in Yugoslavia.

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* Comments of Yugoslavia were submitted on the concluding observations of the Committee pursuant to article 9, paragraph 2, of the Convention and are reproduced in annex VII below.

192. The Committee regrets, however, that the report contains information almost exclusively on legislation and not on the implementation of such legislation. It also regrets that the report does not respond to the concluding observations on Yugoslavia made by the Committee in 1993. The absence of any such response restricts the possibilities for a fruitful dialogue with the State party on the issues raised in those observations.

B. Factors and difficulties impeding the implementation of the Convention

193. It is acknowledged that Yugoslavia is experiencing an acute crisis with serious consequences in terms of demographic, social, economic and political developments. International sanctions, the repercussions of the war in Bosnia and Herzegovina and the presence in its territory of about 700,000 refugees adversely affect the enjoyment of human rights, including those protected by the Convention.

C. Positive aspects

194. The statement made by the State party during the oral dialogue indicating its intention to pursue cooperation with all international mechanisms for the protection of human rights is noted.

195. The Committee takes note of the statement that the Government of the Republic of Serbia is inviting the International Committee of the Red Cross (ICRC) to visit Kosovo and Metohija, and urges the State party to immediately grant ICRC and other humanitarian organizations free access to Kosovo.

196. It is noted that since the Committee's good offices mission in 1993, some progress has been made, with the participation of the Albanian population, towards the normalization of the health care system in the province of Kosovo and Metohija.

197. The Committee notes the statement made by the Government of the Republic of Serbia to the effect that all questions relating to Kosovo and Metohija should be resolved within Serbia by political means and in accordance with international standards in the field of protection of the rights of national minorities.

D. Principal subjects of concern

198. Concern is expressed at the lack of implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija, signed by President Milosevic and representatives of the Albanian population in September 1996.

199. Concern is expressed about continuing reports indicating that, despite constitutional and legal safeguards, access of certain minorities to education, public information and cultural activities in their own language is not fully guaranteed.

200. Concern is expressed at the limitations imposed by the 1989 Act on Special Conditions for Real Property Transactions, on the transactions between

members of different groups and about the fact that the law is being unevenly and arbitrarily implemented, depending on the applicant's ethnicity and place of residence.

201. It is noted with regret that there has been no follow-up to the good-offices mission of the Committee in 1993. The purpose of the mission was to help promote a dialogue for the peaceful solution of issues concerning respect for human rights in the province of Kosovo and Metohija, in particular the elimination of all forms of racial discrimination, and to help the parties concerned to arrive at such a solution. As a result of the mission, the Committee proposed to the State party that a number of specific steps, particularly in the fields of education and health care, be taken with a view to normalizing the situation in Kosovo. Although the Committee expressed a willingness to continue the dialogue within the framework of the good-offices mission, no response was received from the State party.

202. Concern is also expressed at persisting violations in Kosovo and Metohija of basic human rights standards, including article 5 (a) and (b) of the Convention, requiring that arrested persons be brought promptly before a judge, and prohibiting torture and ill-treatment of persons in detention or in the course of demonstrations. Equal concern is expressed about the impunity that perpetrators of such violations seem to enjoy.

203. The Committee is concerned that disproportionate use of force by law enforcement agencies and the military against the Albanian population in the province of Kosovo and Metohija has resulted in numerous violations of the right to life, destruction of property and displacement.

204. Although the State party has argued that its recent actions in Kosovo and Metohija were carried out exclusively with a view to combating terrorism, the Committee notes with serious concern that a great number of victims of the recent events are civilians, including women and children whose deaths cannot be justified by any means. It states that any attempt to push for a military solution of the long-standing crisis in Kosovo could have distressing consequences.

205. It is regretted that the cooperation of the State party with the International Tribunal for the Former Yugoslavia remains insufficient and that individuals indicted by the Tribunal for war crimes and crimes against humanity are not put at its disposal.

E. Suggestions and recommendations

206. The Committee recommends that the information provided orally in response to a wide range of questions raised by the members be incorporated in the next periodic report, due on 24 July 2000. That report should also contain information on the following issues:

(a) Cases in which the Convention has been invoked in decisions or other acts adopted by courts or administrative organs;

(b) Cases where decisions and other acts adopted by courts or administrative organs have been invalidated owing to non-compliance with the Convention;

(c) Cases where compensation has been granted for damages caused by officials or State organs involving violation of rights guaranteed by the Convention;

(d) Cases where measures have been taken against organizations carrying out activities promoting racial hatred and discrimination; cases that might have been brought before the constitutional courts in this respect;

(e) Cases where proceedings have been instituted for the crimes of violation of citizens' right to equality, infringement of citizens' right to use their mother tongue, incitement of national, racial and religious hatred or any other act of racial discrimination.

207. Efforts should be pursued in order to guarantee full enjoyment by members of all minorities of their rights to public information and cultural activities, as well as education in their own language, whenever possible.

208. The Committee recommends that the Government of Yugoslavia take measures to incorporate human rights programmes in school curricula. Such programmes should also include the provisions of the Convention, with a view to promoting the prevention of racial discrimination.

209. Recalling its general recommendation XXI (48) of 8 March 1996, the Committee expresses the opinion that a solution for Kosovo and Metohija includes a status of the highest level of autonomy for this part of the State party as a means for everyone to enjoy their human rights and in particular to eliminate all forms of racial discrimination.

210. The Committee calls on all parties to ensure implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija.

211. The Committee urges the State party to carry out a full and independent investigation of the incidents that occurred in Kosovo and Metohija following the recent military operations and to bring to justice those responsible for any act involving a disproportionate use of force.

212. The Committee recommends that the State party cooperate fully with the International Tribunal for the Former Yugoslavia, in particular by handing over those indicted by the Tribunal for war crimes and crimes against humanity.

213. It is also noted that the State party has not made the declaration provided in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

214. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

Armenia

215. The Committee considered the initial and second periodic reports of Armenia (CERD/C/289/Add.2) at its 1262nd and 1263rd meetings, on 12 and 13 March 1998, and, at its 1272nd meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

216. The Committee commends the State party on the quality of its report, prepared in accordance with the Committee's guidelines. It appreciates the open and constructive dialogue with the representatives of the State party and the additional information provided orally.

B. Factors and difficulties impeding the implementation of the Convention

217. It is noted that the State party is going through a difficult period of political, economic and social reforms following the dissolution of the former Soviet Union and that these factors, together with recent demographic movements, are not conducive to the full implementation of the Convention.

C. Positive aspects

218. It is noted with appreciation that despite prevailing political, economic and social difficulties, efforts are being made to implement the provisions of the Convention. The State party's pronounced commitment to ensuring equality before the law is especially noted.

219. The signing by the State party of the Commonwealth of Independent States (CIS) Agreement on questions relating to the restoration of the rights of deported persons, national minorities and peoples in 1992 and the CIS Convention on the safeguarding of the rights of members of national minorities in 1994 is noted with interest.

220. It also noted with interest that there have been considerable legal developments recently and that the State party is in the process of drafting new legislation, including a new Penal Code, expected to be adopted by the end of 1998, as well as legislation regarding employment and the family.

221. With respect to article 7 of the Convention, the publication and dissemination of the texts and principles of the Convention and other human rights documents is welcomed by the Committee. It is noted with interest that the State party and the Office of the United Nations High Commissioner of Human Rights at Geneva have set up a project to organize seminars, train specialists and disseminate human rights literature.

D. Principal subjects of concern

222. While noting that the existing penal legislation is undergoing reform, the Committee is nevertheless concerned that article 69 of the Penal Code currently in force does not prohibit all dissemination of ideas based on racial superiority and incitement to racial discrimination as required by article 4 of the Convention.

223. The lack of any information in the State party's report on the incidence of racially motivated crime occasions concern.

224. With regard to the right to equal treatment before the tribunals and the right to security of person and protection by the State against violence or bodily harm (article 5, paragraphs (a) and (b), of the Convention), concern is expressed at the reported cases of torture and other cruel or degrading treatment on the part of police and investigating officers.

225. With respect to the right to education and training of members of ethnic and national minorities, it is noted with concern that according to Armenian law, teaching must be conducted in the official language, and that some minority groups are therefore denied access to education in practice.

E. Suggestions and recommendations

226. The Committee recommends that the State party fully comply with article 4 of the Convention and register statistics on racially motivated crimes. It also recommends that this information be included in the next periodic report, together with detailed information on complaints received and judgements issued by courts concerning racial discrimination.

227. The Committee further suggests that the State party consider adopting measures to ensure that ethnic and national minorities have access to education in their own language whenever possible.

228. The Committee requests the State party to include information about the results and effectiveness of the ongoing human rights project carried out by the State party and the Office of the United Nations High Commissioner for Human Rights.

229. It is further recommended that the State party furnish the Committee with the texts of new laws concerning racial discrimination once they are adopted, and subsequently with information on the effectiveness of the reforms of the judicial system in practice.

230. In its forthcoming report, the State party should include, inter alia, further information on the restoration of the rights of deportees who have returned to the country, the results of the national reform on education, and the access to health care, housing and employment of ethnic and national minorities.

231. The Committee suggests that the State party consider establishing a human rights commission to take action on the recommendations brought forward by the Committee.

232. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

233. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

234. The Committee recommends that the State party's next periodic report, due on 23 July 1998, be an updating report and that it address all the points raised in the present observations.

Libyan Arab Jamahiriya

235. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya, submitted in a single document (CERD/C/299/Add.13), at its 1264th and 1265th meetings, on 13 and 16 March 1998, and, at its 1272nd meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

236. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party. The Committee notes that it considered the previous periodic report of the Libyan Arab Jamahiriya on 22 August 1989. The report under consideration is in accordance with the Committee's guidelines and contains information on how the State party implements the Convention. The report also contains answers to some of the questions raised by the Committee members in 1989. However, the report provides information on legislative, judicial and administrative developments only up to 5 January 1994.

237. The Committee recalls in this connection that States parties are under an obligation to take legislative, judicial and administrative measures to combat racial discrimination as a preventive measure so as to avoid any possible manifestation or recurrence of the phenomenon.

B. Positive aspects

238. It is noted with appreciation that the State party has incorporated the Convention as an integral part of its domestic legislation, and that in case of legal conflict, the Convention takes precedence over domestic law.

239. The Libyan Constitutional Declaration and the other relevant documents contain provisions guaranteeing equality of all citizens before the law.

240. Satisfaction is expressed at the way in which the State party has consistently conducted its fight against apartheid.

241. The State party has made serious efforts to give effect to a number of the provisions of article 5, particularly those concerning certain economic and social rights.

C. Principal subjects of concern

242. Both the statements of the representative of the Libyan Arab Jamahiriya and the report, especially its second part, maintain categorically that there is no racial discrimination and no complaints concerning racial discrimination in the State party. There is no specific legislation to prohibit racial discrimination.

243. The State party has not provided any information on the demographic composition of the Libyan population, although the Committee requested it when it considered the State party's tenth periodic report in 1989.

244. The State party has not been fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

245. It is also regretted that insufficient information has been provided on the implementation of article 6 of the Convention, particularly on available remedies, as well as the practice of the tribunals.

246. The declaration by the State party that there are no ethnic minorities in its territory does not take into account the existence, in particular, of Berbers, Tuaregs, black Africans and the like, who are reported to experience acts of discrimination because of their ethnic origin.

247. Concern is expressed about allegations of acts of discrimination against migrant workers on the basis of their national or ethnic origin.

D. Suggestions and recommendations

248. The Committee recommends that the State party provide in its next report detailed information on the demographic composition of its population, including non-Libyans living in the State party, as well as information on the status and working conditions of foreign workers and on measures taken by the State party to prevent any acts of discrimination against them.

249. The Committee recommends that specific legislation be enacted by the State party to implement the provisions of article 4 of the Convention. The State party is also encouraged to adopt appropriate policies to promote the rights of ethnic minorities and to ensure their equality in accordance with the provisions of the Convention.

250. A particular effort should be made by the State party to train law enforcement officials in the light of the provisions of the Convention.

251. The Committee recommends that the State party continue to take appropriate measures to increase the awareness of the population about the provisions of the Convention, particularly those contained in its article 7, and to widely disseminate the concluding observations adopted by the Committee on the report.

252. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

253. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

254. The Committee recommends that the State party's next periodic report be an updating one. It should address all the points raised in the present observations and reply to unanswered questions raised by members of the Committee.

Cameroon

255. At its 1265th, 1266th and 1267th meetings, the Committee considered the tenth to fourteenth periodic reports of Cameroon, submitted in a single document (CERD/C/298/Add.3). At its 1273rd meeting, on 20 March 1998, the Committee adopted the following concluding observations.

A. Introduction

256. The Committee welcomes the submission of the State party's periodic report and the presence of and the opportunity to resume a dialogue with a delegation from the country. It notes with satisfaction that the report complies with its guidelines and takes into account its latest conclusions concerning the State party. The Committee further notes that the oral information provided in a spirit of frank and open dialogue by the delegation of Cameroon was a useful supplement to the written report.

B. Factors and difficulties impeding the implementation of the Convention

257. Note is taken of Cameroon's considerable ethnic, religious, linguistic, cultural, geographical and economic diversity.

C. Positive aspects

258. The Committee notes the State party's adoption on 18 January 1996 of a new Constitution that guarantees, inter alia, the protection of the rights of minorities and indigenous peoples and its ratification of numerous human rights conventions.

259. The Committee welcomes the establishment by a decree dated 8 November 1990 of the National Committee on Human Rights and Freedoms. It notes with interest the activities of that body.

260. The information provided on the composition of the population and the country's social, economic and cultural indicators is also considered very positive.

D. Principal subjects of concern

261. The inadequacy of the present legislation, especially the Penal Code, to enable the State party fully to discharge its obligations under article 4 of the Convention is a subject of concern.

262. It is regrettable that the report provides no figures concerning representation of ethnic groups at the various levels of political life and the civil service.

263. Protection of the rights of minorities and indigenous peoples to enable them to live in harmony in their environment is, especially as regards the Pygmies and Boro, a subject of concern in the light of article 2, paragraph 2, of the Convention and of the Committee's general recommendation XXIII (51) of 18 August 1997 on the rights of indigenous peoples.

264. Information is required on the legal regime applicable to aliens living in the State party.

265. Concern was expressed with respect to article 5 (b) of the Convention about allegations of infringements of the right to security of person.

266. The absence of information on individual population groups' enjoyment of economic, social and cultural rights and access to development programmes and projects is regretted.

267. The State party's assertion that no cases involving discrimination, in particular based on article 242 of the Penal Code, are ever brought before the courts and that there is therefore no case law in the matter is a subject of concern in the light of articles 4 and 6 of the Convention.

268. With respect to the implementation of article 7 of the Convention, the information provided on measures to ensure equal treatment for ethnic groups regarding teaching, culture and information and to develop human rights training for law enforcement agents is inadequate.

E. Suggestions and recommendations

269. The Committee recommends that the State party take all appropriate measures to review domestic law, particularly the Penal Code, in order to include in it all the provisions required by article 4 of the Convention.

270. With reference to paragraph 8 of the guidelines, the Committee requests the State party to provide information on ethnic groups' representation at the various levels of political life and the civil service and on their enjoyment of economic, social and cultural rights.

271. With a view to promoting and protecting the rights of minorities and indigenous peoples, the Committee recommends that the State party take all appropriate measures, particularly as regards deforestation that may harm such population groups.

272. The Committee recommends that the State party take all appropriate measures provided for by the Convention to prevent and eliminate acts of racial discrimination against aliens.

273. The Committee recommends that the State party guarantee all persons within its territory, irrespective of race, colour or ethnic origin, enjoyment of the right to security.

274. The Committee requests the State party to take all necessary measures to guarantee freedom of expression to all persons, irrespective of race, colour or ethnic origin, and to guarantee freedom of the press.

275. With respect to the implementation of article 6 of the Convention, the Committee recommends that the State party facilitate access to the courts for victims of racial discrimination so that the perpetrators of racist acts can be brought to trial and the victims of such acts can obtain reparation.

276. The Committee recommends that the State party take all appropriate measures to give full effect to the provisions of article 7 of the Convention concerning education, training and human rights information. Human rights training for agents of the State is especially recommended. The State party is also requested to take all appropriate steps to acquaint the population with the Convention and to publish the Government's periodic reports and the Committee's observations. The Committee further recommends that the State party strengthen its relations with associations and non-governmental bodies seeking to promote the rights recognized in the Convention.

277. The Committee recommends that the State party provide in its next report detailed information on the implementation of articles 4 to 7 of the Convention to supplement and update the still incomplete information given in the fourteenth report.

278. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

279. It is noted that the State party has not made the declaration referred to in article 14 of the Convention. A number of members of the Committee have asked that the State party consider doing so.

280. The Committee invites the State party to submit its next periodic report, due on 24 July 2000, as an update, taking into account the points raised in the present observations.

Cambodia

281. The Committee considered the second, third, fourth, fifth, sixth and seventh periodic reports of Cambodia (CERD/C/292/Add.2) at its 1266th and 1267th meetings, on 16 and 17 March 1998, and, at its 1273rd meeting, on 20 March 1998, adopted the following concluding observations.

A. Introduction

282. The Committee welcomes the submission by Cambodia of its report after a long period of time during which the dialogue between the Committee and the State party had been disrupted, as well as the presence of its delegation. The Committee appreciates the opportunity to resume the dialogue with the State party. The Committee notes that the report follows the guidelines established by the Committee for the presentation of reports. The Committee regrets, however, that the report lacks concrete information on the practical implementation of the Convention, and that many questions remained unanswered. The Committee welcomes the statement by the delegation that it will transmit the questions of the Committee members to the State party.

B. Factors and difficulties impeding the implementation of the Convention

283. The Committee notes that Cambodia is facing many difficulties that have an impact on the implementation of the Convention. In this regard, the Committee refers in particular to more than 20 years of armed conflict; the legacy of the genocide and other massive crimes perpetrated by the Khmer Rouge regime; the subsequent invasion of the country by a neighbouring State; the international isolation of Cambodia for many years; the insecurity which still exists in certain areas of the country; the chronic political instability, including recent changes in Government; and the very difficult economic and social situation. These circumstances have created obstacles to the bringing to justice of the perpetrators of severe violations of human rights which, in a number of cases, have an ethnic dimension.

C. Positive aspects

284. The establishment within the National Assembly of a Commission on Human Rights and Receipt of Complaints, whose task is to identify human rights violations, receive complaints from victims and transmit them to the competent authorities for appropriate action, is noted with appreciation.

285. The reported cooperation with the Cambodian office of the Office of the United Nations High Commissioner for Human Rights and with non-governmental organizations is also welcomed.

D. Principal subjects of concern

286. Concern is expressed over the lack of independence of the judiciary, the absence of the Constitutional Council called for by the Constitution, as well as the impunity of perpetrators of human rights violations, violations which in some cases include summary executions and torture. This contributes to the serious undermining of efforts to establish the rule of law in Cambodia without which the full implementation of the Convention is not possible.

287. While taking note of article 61 of the Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, concern is expressed over the lack of legal provisions required in order to implement fully the State party's obligations under article 4 of the Convention, in particular article 4 (b) and (c).

288. Concern is also expressed with regard to the insufficient legal framework to fully implement the Convention, in particulár article 2, paragraph 1 (d), and article 6.

289. While taking note of the 1993 Constitution, which contains many provisions relating to the protection of human rights, the fact that those constitutional provisions refer only to the rights of Khmer citizens raises concern with regard to article 5 of the Convention. Such a reference contributes to the ideology of ethnic purity of the Khmer, which may lead to racial discrimination, if not hatred, against minority groups, in particular the ethnic Vietnamese.

290. It is noted with concern that the 1996 Law on Nationality, stating that Khmer nationals are those one of whose parents is a Khmer national, makes it difficult for persons belonging to minority groups, in particular ethnic Vietnamese and indigenous people, to establish their citizenship.

291. The situation of the ethnic Vietnamese is a matter of concern, in particular with regard to article 5 of the Convention relating to equality of rights. Ethnic Vietnamese are subject to racist propaganda, mainly from the Khmer Rouge, which may incite hatred against them. The several massacres of ethnic Vietnamese, most of them attributed to the Khmer Rouge, have not been properly investigated. Alarm is also expressed over reports that the exploitation through prostitution of females of Vietnamese origin, in particular children, is growing. Concern is further expressed about reports of racist attitudes among much of the Khmer population against the Cambodian-born ethnic Vietnamese, who are still perceived as immigrants.

292. Concern is expressed over the limited educational facilities in the villages of ethnic Vietnamese, the lack of legislation authorizing the establishment of schools for them and the obstacles to their children learning the Khmer language.

293. While the existence of the Inter-Ministerial Committee and its draft National Policy on Highland Peoples Development is noted, concern is expressed about the situation of the indigenous peoples (also referred to as Highland Peoples, Khmer Loeu or Hill Tribes Peoples), and to their lack of legal status, as well as the insufficient legal framework to protect their rights, culture and traditional lands. The rights of indigenous peoples have been disregarded in many government decisions, in particular those relating to citizenship, logging concessions and concessions for industrial plantations. The lack of participation of the indigenous people in the management of natural resources and in other activities of concern to them is also a matter of concern.

E. Suggestions and recommendations

294. The Committee recommends that the State party take all appropriate steps, including legal measures, to ensure the independence of the judiciary and to establish the Constitutional Council, with a view to bringing an end to the impunity of perpetrators of racial discrimination. In this respect, the Committee emphasizes the need to investigate, prosecute and punish those found guilty of such crimes, and to establish confidence in the rule of law.

295. The Committee recommends that the laws be amended to more fully reflect the provisions of the Convention. Such a reform would constitute a clear reaffirmation by the Cambodian authorities that racial discrimination is unacceptable. In particular, the Committee is of the view that the Law on Nationality should be revised.

296. The Committee recommends that the Code of Criminal Procedure and the Penal Code be enacted as soon as possible and reflect the provisions of the Convention. The Committee suggests that the State party may wish to avail itself of the technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

297. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as stated in its general recommendation VII. The Committee stresses in this regard that the State party should take appropriate steps to fulfil all its obligations under this article and that, in doing so, it take fully into account general recommendation XV (42) of 17 March 1993.

298. The Committee recommends that action be taken at the legislative, administrative and judicial levels to protect the right of everyone, including ethnic Vietnamese, to enjoy their rights under article 5 of the Convention, especially the right to security of person and protection by the State against violence or bodily harm, to public health and medical care and to education and training. It further recommends that comprehensive information on the implementation of the articles be provided in the next report.

299. The Committee recommends that the State party recognize the citizenship of the indigenous peoples, as well as their use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life. The Committee further recommends that the State party take steps to fully implement its general recommendation XXIII (51) of 18 August 1997, which addresses the rights of indigenous peoples under the Convention. In particular, the State party should ensure that no decisions directly relating to the rights and interests of indigenous peoples are taken without their informed consent.

300. The Committee recommends that the State party ensure protection against any acts of racial discrimination through the competent courts, in accordance with article 6 of the Convention, by, inter alia, strengthening the court system, the independence of the judiciary and the confidence of the population therein. It further recommends that the right to seek just and adequate reparation for victims of racial discrimination be guaranteed in law and practice.

301. In connection with the implementation of article 7 of the Convention, the Committee recommends that all necessary measures be taken to provide training and education of law enforcement officers, civil servants, judges and lawyers, as well as teachers and students, at all levels of education, and the public at large, in the field of human rights and prevention of racial discrimination.

302. The Committee recommends that the State party, in preparing its next report, take account of these conclusions and recommendations.

303. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

304. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

305. The Committee invites the State party to submit its next report, due on 28 December 1998, in time for the fifty-fourth session of the Committee, and suggests that it be a comprehensive report. It should provide replies to

the questions raised during the consideration of the previous report and address all the points raised in the present concluding observations.

Croatia

306. The Committee considered the initial, second and third periodic reports of Croatia (CERD/C/290/Add.1) at its 1276th and 1277th meetings, on 3 and 4 August 1998, and, at its 1295th meeting, on 17 August 1998, adopted the following concluding observations.

A. Introduction

307. The Committee welcomes the report submitted by the State party, in particular the information on economic, social and cultural rights of minorities. The Committee further welcomes the supplementary information given to it during the examination of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the answers given orally to the wide range of questions asked by members.

308. The Committee regrets, however, that the report contains information almost exclusively on the legal framework for the protection of rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention. The Committee further regrets that the report does not sufficiently respond to the Committee's concluding observations on the State party's special report examined in 1995 (A/50/18, paras. 163-178).

B. Factors and difficulties impeding the implementation of the Convention

309. The Committee notes that the State party is going through a difficult period of political, economic and social change as a consequence of the diverse conflicts in the former Yugoslavia, and that these factors, together with major population movements, have resulted in significant obstacles to the full implementation of the Convention.

C. Positive aspects

310. The Committee welcomes the ongoing process of gradual normalization of inter-ethnic relations on the territory of the State party. It expresses particular appreciation of the declared commitment of the State party to undertake confidence-building measures in this field and welcomes its spirit of cooperation with the Committee and appropriate United Nations bodies.

D. Principal subjects of concern

311. The Committee reiterates its observations regarding the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities.

312. With respect to article 2 of the Convention, the Committee is concerned about the reduction of the proportionate representation of the Serbian ethnic community in the Croatian Parliament following the proclamation of a

constitutional law on temporary suspension of certain provisions for freedoms and the rights of national and ethnic communities and minorities in the State party.

313. The Committee notes with concern the lack of legal provisions required in order to implement the State party's obligations under article 4 (b) of the Convention, that is the absence of legislative measures declaring illegal and prohibiting organizations which promote and incite racial discrimination.

314. With respect to article 4 of the Convention, concern is also expressed at incidents of hate-speech directed at the Serb minority in Croat media, and the failure of the State party to take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through print and audio-visual media.

315. While recognizing the problems confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons and while noting the recent establishment of a National Programme for Returns, the Committee remains concerned at the serious difficulties and violence encountered by returnees and displaced persons, in particular ethnic Serbs, in returning to areas of origin, or by refugees when claiming their right to have property restored to them or to receive compensation upon return to their place of origin. In this respect the Committee is concerned about the difficulties of the return of Serbs and others displaced in Eastern Slavonia, Baranja and Western Sirmium. The Committee calls the attention of the State party to its general recommendation XXII (49) of 16 August 1996 concerning the rights of refugees and displaced persons.

316. With respect to article 5 of the Convention, the Committee is further concerned that articles 8 and 16 of the Croatian Law on Citizenship seem to establish different criteria for ethnic Croats compared with other minorities in Croatia in granting citizenship. It is also concerned at the excessive delays in the processing of applications for citizenship, in particular those of ethnic Serbs, which have resulted in applicants losing social and educational benefits.

317. As regards the implementation of articles 5 and 6 of the Convention, the report does not contain sufficient information as to the steps taken to ensure the practical implementation of the right to equal treatment before the courts and effective remedies so that victims of racial discrimination can secure the punishment of discriminatory acts and reparation for injury. The Committee is concerned at continuing reports about the failure of the criminal justice system to adequately deal with all crimes of an ethnic nature and the subsequent tendency to fail to prosecute alleged perpetrators of crimes directed at ethnic Serbs, whereas there are reports that Croatian Serbs have been unfairly prosecuted or excessively punished when allegations of illegal activity directed at non-Serbs have been brought.

318. With respect to article 7 of the Convention concern is expressed that according to continuing reports, strong control is exercised by the Government of certain mass media, particularly television, and that some graphic media are allowed to use discriminatory speech. Concern is also expressed that

reports from United Nations bodies point to a lack of information and awareness among the Croat population of international human rights standards in general and of the Convention in particular.

E. Suggestions and recommendations

319. With respect of article 2 of the Convention, the Committee recommends that the State party reinstate the provisions for the fair and proportionate representation of the Serbian ethnic community in the Croatian Parliament.

320. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give full effect to the provisions of that article to declare illegal and prohibit organizations which promote and incite racial discrimination and also take measures against the use of mass media for incitement to ethnic hatred. In this last respect the Committee reiterates its previous recommendation to the State party to comply with article 4 of the Convention and prohibit and prosecute all acts of incitement to ethnic hatred.

321. The Committee recommends that the State party introduce adequate measures to ensure and monitor the implementation in practice of the newly introduced National Programme for Return, in particular with respect to the Serbs displaced in Eastern Slavonia, Baranja and Western Sirmium and recommends that the State party inform it about the nature and results of its efforts in its next periodic report. The Committee further urges the State party, as a matter of urgency, to take steps to ensure the right to security of person and protection against violence or bodily harm of returnees.

322. With respect to the acquisition of citizenship, the Committee recommends that the State party take steps to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner.

323. The Committee recommends that the State party take measures to ensure the prosecution of persons allegedly responsible for having committed racially motivated crimes, regardless of the racial, ethnic or religious origin of the perpetrator or the victim. The Committee further recommends that the State party include detailed information on such measures in its next periodic report, as well as information on racially motivated crimes, including for example, the number of complaints and judicial decisions with regard to compensation awarded to victims or criminal sanctions.

324. The Committee recommends that the State party use all effective measures to familiarize the public with the Convention, in order to change traditional prejudices against certain minorities, and to convey messages of tolerance. In this regard, the State party should continue to provide instruction on international human rights standards in schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and, in particular, in the light of general recommendation XIII (42) of 16 March 1993 relating to law enforcement officials.

325. The Committee recommends that the State party take concrete measures in order to guarantee freedom of association without distinction as to ethnic

origin and that mass media, in all their forms, including electronic form, are open to all ethnic groups without distinction. The Committee also recommends that the State party take effective measures in order to stop racist and discriminatory speech in some graphic media.

326. In its forthcoming report, the State party should include detailed information relating to the practical implementation of the Convention, including information on the independence of the judiciary; the reintegration of Eastern Slavonia; what it has done to discharge its obligation to cooperate with the International Tribunal for the Former Yugoslavia; clarification as to the legal definitions used for describing different minorities; and updated information on the demographic composition of the Croatian population.

327. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

328. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

329. The Committee recommends that the State party's next periodic report, due on 8 October 1998, be an updating report and that it address all the points raised in the present observations.

Cyprus

330. The Committee considered the fourteenth periodic report of Cyprus (CERD/C/299/Add.19), at its 1278th and 1279th meetings, on 4 and 5 August 1998, and, at its 1288th meeting, on 12 August 1998, adopted the following concluding observations.

A. Introduction

331. The Committee welcomes the submission of the fourteenth periodic report of Cyprus and the opportunity to continue its dialogue with the State party. The Committee also welcomes the submission of the revised version of the State party's core document (HRI/CORE/1/Add.28/Rev.1). The Committee notes with appreciation that the report provides detailed answers to concerns expressed and recommendations made by the Committee in its concluding observations following the consideration of the thirteenth periodic report of the State party (see A/50/18, paras. 64-76). It further expresses its appreciation for the frank and constructive dialogue with the delegation and for the additional information and comprehensive answers given orally to the wide range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

332. The Committee reiterates its grave concern at the lengthy occupation of 37 per cent of the territory of Cyprus by Turkish forces and the continued division of the country, and that the Government is still prevented, by the use of force, from implementing the provisions of the Convention in the occupied part of the country since the invasion in 1974. The Committee

further wishes to reiterate that the continuing artificial division of the country has adversely affected efforts to reduce tension among the various ethnic and religious communities which comprise the population.

C. Positive aspects

333. With regard to the implementation of article 2 of the Convention, it is noted with satisfaction that the State party has undertaken measures for the preparation of a bill for the protection of refugees, which would protect the rights of refugees and displaced persons regardless of their ethnic origin.

334. The amendment to the procedure for acquiring Cypriot citizenship, by which Cypriot nationality is now granted to all children regardless of whether the father or the mother is a Cypriot citizen, is also welcomed.

335. It is noted with appreciation that the State party has undertaken steps for the implementation of the Committee's recommendations regarding the introduction of amendments to Law II (III) of 1992. It also noted with satisfaction that the proposed amendments to this law include the penalization of the expression of racist ideas through electronic media.

336. With respect to the implementation of article 7 of the Convention, the efforts and initiatives of Cyprus in the field of education are welcomed, especially the establishment of language programmes for children of immigrant families and minority groups. The establishment of official subsidies for children belonging to minority communities and the inclusion of human rights in the school curricula are also welcomed. The holding of training programmes for civil servants on the provisions of the Convention is noted with satisfaction.

337. The Committee notes with appreciation that the State party has taken into consideration the Committee's general recommendation XVII (42) of 19 March 1993 for the establishment of national institutions to facilitate the implementation of the Convention, and the intention of the Government of Cyprus to establish a National Institution for the Promotion and Protection of Human Rights.

338. The Committee welcomes the fact that the State party has ratified, by Law 6 (III) of 1995, the amendment to article 8, paragraph 6, of the Convention.

D. Principal subjects of concern

339. Concern is expressed at the insufficient information on the demographic composition of the occupied part of Cyprus, due to the fact that the State party is still prevented by the Turkish army from undertaking any census or other relevant data collection on the whole of the territory of the Republic of Cyprus.

340. Although the Committee welcomes the State party's efforts to disseminate information with regard to the Convention, it is still concerned that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention. In this connection, the lack of information on complaints concerning racially motivated offences, other than

complaints lodged by foreign housemaids, as well as the absence of lawsuits in courts claiming racial discrimination, and of communications filed with the Committee under article 14 of the Convention, may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

E. Suggestions and recommendations

341. The Committee recommends that information be provided by the State party on the enactment of legislation for the protection of refugees (Refugee Bill) and the proposed amendments to Law II (III) of 1992.

342. The Committee requests the State party to provide information in its next periodic report on the implementation of recommendations made by the Commissioner for Administration (the Ombudsman) to remedy the procedure for employment of foreign housemaids in Cyprus.

343. Emphasizing the role of the justice system in the elimination of racial discrimination, the Committee requests the State party to consider measures for improving awareness of the Convention and associated legal and administrative remedies, and that lawyers and administrators be supplied with information on the Convention and on available remedies.

344. The Committee suggests that the Government of Cyprus may wish to avail itself of any advice and assistance which may be rendered by the Office of the United Nations High Commissioner for Human Rights with regard to the Government's initiative to establish a national human rights institution.

345. The Committee requests the State party to give wide publicity in its territory to the fourteenth report submitted to the Committee, to the present concluding observations as well as to the possibilities of making use of the procedure provided for in article 14 of the Convention.

346. The Committee recommends that the State party's next periodic report, due on 4 January 1998, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

Cuba

347. The Committee considered the tenth, eleventh and twelfth periodic reports of Cuba (CERD/C/319/Add.4) at its 1290th and 1291st meetings, on 12 and 13 August 1998, and, at its 1301st meeting, on 20 August 1998, adopted the following concluding observations.

A. Introduction

348. The Committee welcomes the presentation of the State party's report and appreciates the opportunity to resume the dialogue with the State party. The report followed the guidelines for the presentation of reports and contained useful information which was complemented by the oral information provided by the delegation. The Committee also welcomes the submission by Cuba of the core document (HRI/CORE/1/Add.84).

B. Factors or difficulties impeding the implementation of the Convention

349. It is recognized that Cuba has experienced serious economic difficulties as a result of the embargo in place since the beginning of the 1990s that affect the full enjoyment of economic, social and cultural rights, especially by less favoured social groups. Among those groups there is, for historical and socio-cultural reasons, a high percentage of the black and mestizo population.

C. Positive aspects

350. Appreciation is expressed with regard to the commitment of the State party to eliminating all manifestations of racial discrimination, especially through the adoption since 1959 of appropriate legislation, equal opportunity policies and widespread education of the population. The policy of promoting blacks to managerial positions at all levels within the country, including the highest political organs, is welcomed.

351. The statement by the State party that although in public life racial prejudice is practically insignificant, it still appears in the most private areas of life, particularly in social engagements and marriage, is also appreciated. Efforts to promote equality seem to have raised a widespread feeling among the general public that racial prejudice is unacceptable and harmonious interracial relations increase in every walk of life.

352. It is also noted with interest that the 1992 constitutional reform introduced a number of provisions by which aliens resident in Cuba enjoy the same rights as Cubans in matters such as the protection of their persons and property and the enjoyment of the rights and performance of the duties laid down in the Constitution.

353. The fact that academic institutions are conducting studies on different aspects of the racial question is also welcomed.

D. Principal subjects of concern

354. The report of the State party does not provide sufficient information on the practical implementation of the Convention, in particular articles 4 to 6.

E. Suggestions and recommendations

355. The Committee recommends that the State party, in its next periodic report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The findings of the study being conducted by the Anthropology Centre about race relations and ethnicity should be summarized in the next report.

356. The Committee requests the Government of Cuba to provide, in its next periodic report, information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons affected by such discrimination. The role of the Attorney-General in dealing with complaints should also be clearly explained in the light of article 6 of the Convention.

357. Particular attention should be paid by the State party to the Committee's general recommendation XIII (42) of 16 March 1993 on the training of law enforcement officials in the protection of human rights and general recommendation XVII (42) of 19 March 1993 on the establishment of national institutions to facilitate the implementation of the Convention. Information in that respect should be included in the next periodic report.

358. The Committee invites the State party to give publicity to the Convention, the periodic report as well as the Committee's concluding observations thereon, so that the judiciary, the legal profession, the relevant government agencies and the public at large are made fully aware of the provisions and the potential of the Convention.

359. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

360. The Committee recommends that the State party's next periodic report, due on 16 March 1999, be an updating report and that it address all the points raised in the present observations.

Haiti

361. At its 1285th meeting, on 10 August 1998, the Committee reviewed the implementation of the Convention by Haiti based upon its previous report (CERD/C/195/Add.1) and its consideration by the Committee (see CERD/C/SR.879). The Committee noted with regret that no report had been submitted to the Committee since 1989.

362. The Committee regretted that the State party had not responded to its invitations to participate in the meeting and to furnish relevant information.

363. Although the situation in Haiti has recently improved somewhat, the State party is still experiencing a political and economic crisis. Social differences are very severe and this, indeed, has generated discrimination among the population. These factors are significant obstacles to the full implementation of the Convention.

364. The Committee requests the State party to provide it with relevant information on the implementation of legislation prohibiting and sanctioning racial discrimination. It also wishes to receive updated information on emigration, on the demographic composition of the population and on measures taken to ensure that perpetrators of acts of violence related to racial discrimination are not benefiting from impunity. In view of the prolonged absence of a dialogue between the State party and the Committee, the Committee also requests information on the results of cooperation with United Nations agencies, especially in areas related to the implementation of the Convention.

365. The Committee urges the State party to resume the dialogue with the Committee as soon as possible.

366. The Committee suggests that the Government of Haiti, if it wishes, avail itself of the technical assistance offered under the advisory services and

technical assistance programme of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.

Gabon

367. The Committee considered the second to ninth periodic reports of Gabon (CERD/C/315/Add.1), at its 1286th and 1294th meetings, on 10 and 14 August 1998. At its 1299th and 1301st meetings, on 19 and 20 August 1998, it adopted the following concluding observations.

A. Introduction

368. Although the Committee welcomes the submission of the report by the State party, it regrets that the report does not follow the general guidelines established by the Committee for the presentation of reports. While the Committee understands that factors beyond the control of the Government of Gabon impeded the presence of a State party delegation at the examination of the report, it welcomes the oral replies made by the State party's representatives at a later stage and the readiness of the Government of Gabon to resume its dialogue with the Committee.

B. Factors and difficulties impeding the implementation of the Convention

369. The Committee notes that Gabon is going through a difficult economic period and that limits on resources available in the public service have hampered the full implementation of the Convention.

C. Positive aspects

370. Gabon's accession to the major international human rights instruments, including the 1981 African Charter on Human and People's Rights, is welcomed by the Committee.

371. The Committee welcomes the fact that the Convention was incorporated into the Constitution of Gabon in April 1997.

372. The establishment of the Ministry for Human Rights, which has the mandate to implement the Government's human rights policy and to coordinate the steps undertaken in this area, is welcomed by the Committee. More information concerning this institution would be appreciated.

373. The State party's achievements in the field of education, especially its high school attendance rate, are welcomed.

D. Principal subjects of concern

374. The Committee notes the insufficiency of the information on the demographic composition of the population, including the composition of the foreign community and indigenous Pygmy groups.

375. The Committee, while noting with satisfaction that the Constitution of Gabon establishes that all acts of racial discrimination are punishable by

law, expresses its concern at the lack of information on the implementation of article 4 of the Convention, especially on how this principle is reflected in other domestic legislation (for example, the Penal Code) and applied by judges, lawyers and civil servants.

376. Although the Committee notes that the Constitution of Gabon provides for the enjoyment of rights contained in the Convention, it is still concerned at the lack of information on the protection of all the rights enumerated in article 5 of the Convention.

377. While the Committee notes the role of the judiciary in efforts to eliminate racial discrimination, it is concerned at the lack of information on the existence of available legal mechanisms to lodge complaints in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention. In this connection, the lack of information on complaints concerning racially motivated offences as well as the absence of lawsuits in courts claiming racial discrimination may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

378. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aiming at raising their awareness of problems related to racial discrimination, is regretted.

E. Suggestions and recommendations

379. The Committee recommends that the State party, in its next report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines.

380. The Committee requests the State party to provide information in its next periodic report on the implementation of article 4 of the Convention, especially on how this principle is reflected in domestic legislation (for example, the Penal Code) and is applied by judges, lawyers and civil servants.

381. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e).

382. Emphasizing the role of the judicial system in eliminating racial discrimination, the Committee requests the State party to provide information in its next periodic report on the existing legal mechanisms available to lodge complaints in cases of racial discrimination. Additionally, the Committee requests the State party to provide information on measures undertaken or envisaged for improving public awareness of the Convention.

383. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and to include the teaching of human rights in school curricula.

384. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

385. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

386. The Committee suggests that the Government of Gabon may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights, with the aim of submitting a comprehensive report in accordance with the reporting guidelines.

387. The Committee recommends that the State party's next periodic report, due on 30 March 1999, be a comprehensive report and that it address all the points raised in these concluding observations and during the consideration of the report.

Jordan

388. The Committee considered the ninth to twelfth periodic reports of Jordan (CERD/C/318/Add.1), at its 1288th and 1289th meetings, on 11 and 12 August 1998. At its 1298th meeting, on 18 August 1998, it adopted the following concluding observations.

A. Introduction

389. The Committee welcomes the opportunity to resume the dialogue with the State party on the basis of the ninth to twelfth reports and the core document (HRI/CORE/1/Add.18/Rev.1). While the report did not follow the guidelines established by the Committee for the presentation of reports and more specific information is needed on the implementation of the Convention, the Committee expresses its appreciation for the answers provided by the delegation to the many questions asked in the course of the discussion.

B. Factors and difficulties impeding the implementation of the Convention

390. It is noted that the State party's difficult economic situation may affect the full implementation of the Convention in Jordan.

C. Positive aspects

391. Efforts made by the State to host Palestinian refugees, and to facilitate their integration while retaining their identity, are noted with satisfaction.

392. THE establishment of the national Centre for Human Rights is welcomed by the Committee.

393. It is noted with satisfaction that there are a more than proportionate number of seats in the Jordanian House of Representatives which are held by persons who are members of minorities.

D. Principal subjects of concern

394. Concern is expressed that, since the protections in the Penal Code are limited to groups which constitute the nation, the provisions of article 4 are not fully implemented and non-citizens may not receive the protections envisaged in article 5 (a) and (b) of the Convention.

395. With regard to article 7 of the Convention, it is regretted that little further information was provided following the eight paragraphs regarding this article in the previous report.

E. Suggestions and recommendations

396. The Committee recommends that the State party's next report clarify whether article 12 of the Labour Act derives from an agreement concluded between members of the League of Arab States and is applicable to all citizens of those States irrespective of their ethnic or national origin.

397. The Committee recommends that the State party present in its next report information on the number of complaints, judgements and compensation awards arising from racist acts, regardless of their nature.

398. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

399. The Committee recommends that the State party's next periodic report, due on 29 June 1999, be a comprehensive report, taking into account all requests for specific information listed above and all the points raised in consideration of the report.

Morocco

400. The Committee considered the twelfth and thirteenth periodic reports of Morocco (CERD/C/298/Add.4) at its 1282nd and 1283rd meetings, on 6 and 7 August 1998, and, at its 1296th meeting held on 17 August 1998, adopted the following concluding observations.

A. Introduction

401. The Committee welcomes the State party's submission of its twelfth and thirteenth periodic reports and expresses its satisfaction to the delegation for the additional information supplied orally and in writing to the wide range of questions raised by the members of the Committee during the consideration of the reports. The Committee notes that, although the reports submitted by the State party are in keeping with the Committee's guidelines, more detailed information is required on the implementation of the Convention. The Committee also welcomes the constructive, open and fruitful dialogue conducted with the delegation of the State party.

B. Positive aspects

402. The State party's new policy of giving greater attention to human rights issues, including the objectives of the Convention, is welcomed with satisfaction.

403. The Committee takes note with interest of the activities of the Human Rights Advisory Council and the Ministry of Human Rights, particularly with regard to ongoing efforts to study all laws and regulations to assess their conformity with the relevant international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination.

404. It is noted with interest that the State party and the Office of the United Nations High Commissioner for Human Rights in Geneva have launched a project to introduce human rights education in primary and secondary school curricula and to set up a national centre for human rights studies.

405. Note is taken with satisfaction of the establishment in 1995 of regional councils for culture and the increased attention being paid to Berber culture, particularly in respect of measures to include Berber dialects in school curricula.

406. The Committee welcomes the efforts by the State party to improve its relations with international and national non-governmental organizations dealing with human rights, including the objectives of the Convention, and the progress made in opening up to civil society.

C. Principal subjects of concern

407. While taking note of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information on this point in its reports.

408. With reference to article 4 of the Convention, the Committee welcomes the statement by the State party that domestic legislation will be brought into line with the Convention once the Penal Code is amended, but it notes with concern that, at present, there are no specific legal provisions prohibiting racial discrimination. Although the Constitution provides for a number of human rights, including the general principle of non-discrimination, legislative, judicial and administrative measures to give effect to the Convention are still lacking. In this connection, attention is drawn to articles 2, 6 and 7 of the Convention, according to which States parties are expressly required to adopt specific measures to give full effect to the rights in question.

409. The lack of information on the number of complaints and judicial decisions concerning acts of racism, regardless of their nature, and the compensation granted as a result is a source of concern.

D. Suggestions and recommendations

410. The Committee recommends that the State party should give information on the ethnic composition of the Moroccan population in its next periodic report, in accordance with paragraph 8 of the Committee's guidelines.

411. In view of article 4 of the Convention and the ongoing process of the amendment of the Moroccan Penal Code, the Committee encourages the State party to bring the Code into line with the provisions of the Convention and recommends that the State party should inform it of the results of its efforts in its next periodic report.

412. The Committee also requests information on other legal reforms and on the results of the amendment of the Labour Code, from the standpoint of the provisions of the Convention.

413. In its next report, the State party should include detailed information on racially motivated offences, including the number of complaints and judicial decisions concerning racist acts, regardless of their nature.

414. The State party should also supply information on the activities of the Human Rights Advisory Council relating to the Convention.

415. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on socio-economic indicators for the situation of the Berbers, blacks, nomads, Sahrawis and other minorities.

416. The Committee requests the State party to provide information on the results of the human rights education project being carried out by the State party and the Office of the United Nations High Commissioner for Human Rights, with particular reference to the components of the project relating to racial discrimination.

417. The Committee suggests that the State party should take steps effectively to disseminate not only the provisions of the Convention, but also the State party's periodic reports and the Committee's conclusions.

418. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

419. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

420. The Committee recommends that the State party's next report, which was due on 17 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

Nepal

421. The Committee considered the ninth to the thirteenth periodic reports of Nepal (CERD/C/298/Add.1), at its 1292nd meeting, on 13 August 1998. At its 1301st meeting, on 20 August 1998, it adopted the following concluding observations.

A. Introduction

422. The Committee welcomes the opportunity to resume the dialogue with Nepal after a lapse of 11 years. The Committee notes with appreciation that the report submitted by the State party is a comprehensive document complying with the Committee's general guidelines. The Committee welcomes the frankness and self-critical approach of the report and the constructive dialogue with the State party's delegation.

B. Factors and difficulties impeding the implementation of the Convention

423. It is noted that Nepal, one of the least developed countries of the world, is a highly multi-ethnic and multicultural society. It is also noted that the widespread poverty and the presence of a large number of refugees from neighbouring countries may affect the full implementation of the Convention in the State party.

C. Positive aspects

424. The enactment of Nepal's new Constitution (1990), which guarantees basic human rights to every citizen, creates a constitutional monarchy and a system of multi-party democracy, and establishes an independent judiciary, is welcomed. The incorporation of the Convention in the Nepalese Constitution (1990) is appreciated by the Committee.

425. The enactment of the law establishing a Human Rights Commission in 1997 as well as the establishment of the Foreign Affairs, Human Rights, Population and Social Committees of Parliament are welcomed.

426. The State party's openness and willingness to collaborate with non-governmental organizations in its efforts to eliminate racial discrimination are appreciated by the Committee.

427. The willingness of the State party to disseminate its report as well as the concluding observations of the Committee among non-governmental organizations and the public at large is noted with appreciation.

D. Principal subjects of concern

428. The Committee notes the lack of clarity of the information provided by the report on the demographic composition of State party and, in particular, on the composition of the population according to caste, religion and geographical regions.

429. The Committee expresses its concern at the insufficiency of information provided on the full implementation of article 4 of the Convention, especially

on how this principle is reflected in other domestic legislation (for example, the Penal Code) and is applied by judges, lawyers and civil servants.

430. The Committee, having noted that the caste system in Nepal has been abolished by law, nevertheless expresses its concern that this system still functions and appears embedded in parts of the Nepalese culture. In this connection, the Committee is also concerned at the limitation that this system imposes on the effective enjoyment by all groups of the rights enshrined in article 5 of the Convention.

431. With regard to the implementation of article 6 of the Convention, the Committee expresses its concern at the lack of clarity concerning the jurisdiction of the Supreme Court vis-à-vis lower courts in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protections against racial discrimination provided by the Convention and by local remedies. In this connection, the lack of information on complaints concerning racially motivated offences as well as the absence in courts of lawsuits alleging racial discrimination may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

432. The Committee is concerned about the situation and condition of the 100,000 refugees from Bhutan in Nepal.

E. Suggestions and recommendations

433. The Committee recommends that the State party in its next report provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The Committee requests the State party to provide information in its next periodic report on the implementation of practical measures to eradicate the practice of the caste system.

434. With regard to the implementation of article 2 of the Convention, the Committee, while welcoming the State party's initiatives, including its affirmative action programmes aimed at improving the living conditions of the less developed groups, invites the State party to provide information on the results of these initiatives in its next periodic report.

435. In view of the State party's declaration on articles 4 and 6 of the Convention, the Committee repeats its suggestion to the State party that it avail itself of the possibility, under article 20, paragraph 3, of the Convention, to withdraw its reservations in order to ensure the full applicability of the provisions of articles 4 and 6.

436. The Committee requests the State party to provide information in its next periodic report on the implementation of article 4 of the Convention, especially on how it is reflected in domestic legislation (for example, the Penal Code) and applied by judges, lawyers and civil servants.

437. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e). For this purpose,

the Committee recommends that national or ethnic minority associations in the State party be consulted on their experiences regarding these matters.

438. Emphasizing the role of the judicial system in eliminating racial discrimination, the Committee requests the State party to provide information in its next periodic report on the existing legal mechanisms available to lodge complaints in cases of racial discrimination, including information on the role of the Supreme Court and lower courts as well as the legal aid system. Additionally, the Committee requests the State party to provide information on measures undertaken or envisaged for improving public awareness of the Convention.

439. More information concerning the composition and activities of the Human Rights Commission and the above-mentioned parliamentary bodies as well as the result of their activities in the elimination of racial discrimination in Nepal would also be appreciated.

440. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and to include the teaching of human rights in school curricula.

441. The Committee calls upon the State party to fully observe the human rights of refugees and displaced persons of Bhutan and to negotiate with the Government of Bhutan towards a peaceful solution of this important issue.

442. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

443. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

444. The Committee recommends that the State party's next periodic report, which was due on 1 March 1998, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

Niger

445. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Niger (CERD/C/299/Add.18) at its 1297th meeting held on 18 August 1998 and, at its 1301st meeting on 20 August 1998, adopted the following concluding observations.

A. Introduction

446. The Committee takes note of the State party's submission of its eleventh, twelfth, thirteenth and fourteenth periodic reports. It expresses its satisfaction with the resumption of the dialogue with the State party and the additional information provided orally in reply to the questions raised by the members of the Committee during the consideration of these reports. The

Committee notes, however, that, although the reports submitted by the State party follow the Committee's guidelines, more detailed information is required on the implementation of the Convention.

B. Positive aspects

447. The signing of an agreement to establish peace between the Government of the Republic of the Niger and the Organisation de la Résistance armée (ORA) (Armed Resistance Organization) in 1995 is welcomed with satisfaction. The establishment of the High Commissioner's Office for the Restoration of Peace is also welcome.

448. Note is taken of the various activities being carried out in the fields of culture and education and, in particular, the strengthening of the itinerant schools system.

449. The planned measures for the administrative decentralization of the country are also noted with interest as a means of finding better solutions to the problems of the various communities.

C. Factors and difficulties impeding the implementation of the Convention

450. Note is taken of the fragility of the State party's process of democratization. The very low standard of living, the geographical and climatological situation, the extremely high population growth rate and the very low literacy rate in the State party are also key factors.

D. Principal subjects of concern

451. Concerns were expressed about acts of violence against persons belonging to certain ethnic groups, particularly the Toubous, the lack of information about measures for incorporating ORA armed forces into the army and the country's civil activities and the participation of various ethnic groups in public life.

452. With regard to article 4 of the Convention, note was taken with concern of the lack of specific legal provisions prohibiting racial discrimination. Although article 102 of the Penal Code declares any act of racial or ethnic discrimination punishable by law, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence and provocation of or assistance in racist acts are not explicitly prohibited by law within the meaning of the Convention.

453. The ambiguity of Order No. 84-6 (1984) governing associations and prohibiting those of a regional or ethnic nature, which may also lead to the prohibition of cultural associations that have no involvement in acts of racial discrimination, and the lack of information given by the State party in this connection are matters of concern.

454. The lack of information on the implementation of article 5 (c) and (d) of the Convention and, in particular, on the participation of the various ethnic groups in political life is noted with regret.

455. The Committee also notes that there is a lack of information on foreign refugees in the Niger and the return of Niger refugees from abroad.

E. Suggestions and recommendations

456. The Committee requests information on relations between the country's various ethnic groups and on efforts to get them to live together peacefully and harmoniously.

457. In the light of its general recommendation XIX (47) of 17 August 1995 on article 3 of the Convention, the Committee recommends that the State party should provide all the necessary information on the implementation of this provision.

458. In view of article 4 of the Convention, the Committee encourages the State party to bring its Penal Code into line with the provisions of the Convention and recommends that the State party should inform it in its next periodic report of its efforts and of racially motivated offences, as well as of complaints and judicial decisions concerning racist acts, regardless of their nature.

459. The Committee also requests information on other legislative reforms which have been scheduled or undertaken, particularly with regard to the right to freedom of association, in accordance with the provisions of article 5 (d) (ix) of the Convention.

460. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on the implementation of article 5 (c) and (d) relating to the exercise of civil and political rights, as well as on economic and social indicators for all the country's ethnic groups.

461. The State party should also supply detailed information on the teaching, educational, cultural and information activities it is carrying out to prevent and combat all forms of racial discrimination and on the activities of the Association nigérienne pour la défense des droits de l'homme (Niger Association for the Protection of Human Rights).

462. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

463. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

464. The Committee recommends that the State party's next report, due on 4 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

Tonga

465. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Tonga (CERD/C/319/Add.3), at its 1298th meeting, on 18 August 1998. At its 1302nd meeting, on 20 August 1998, it adopted the following concluding observations.

A. Introduction

466. The Committee welcomes the presentation of the State party's report, but regrets that the absence of a delegation in its meeting did not allow it to enter into a dialogue with the State party. The Committee notes that the report does not follow the guidelines for the presentation of reports.

B. Positive aspects

467. The regularity in the presentation of periodic reports is most welcome, considering that Tonga is a small country with limited resources.

468. It is noted with satisfaction that the Constitution contains provisions prohibiting the practice of racial discrimination and ensuring equal rights for all the people in the territory of the State party. The statement in the report to the effect that measures taken to encourage integration and multiracial organizations have been promoted by allowing non-Tongans to participate in schools, business, religion and other aspects of public life is also noted with interest.

469. The Constitution also contains provisions allowing any individual to bring complaints about discrimination on racial grounds before the courts. The statement in the report indicating that there have been no court decisions on any case relating to racial discrimination is also noted.

C. Principal subjects of concern

470. The report does not contain sufficient information that would allow the Committee to assess the level of implementation of the Convention in Tonga.

471. Concern is expressed, in particular, at the lack of legislation intended to enforce the provisions contained in article 4 of the Convention and at the statement contained in the report that Tonga has no express policy on the elimination of racial discrimination.

472. In view of the ethnic characteristics of the population, the structure of power in the country and the configuration of the Legislative Assembly, it is regretted that the State party has not provided detailed information about the implementation of the provisions of article 5 of the Convention vis-à-vis the different ethnic groups.

473. It is a matter of concern that, as the Convention has not been incorporated into the domestic law, it cannot be invoked in the courts.

D. Suggestions and recommendations

474. The Committee recommends that the next report provide updated information about the population, in conformity with paragraph 8 of the Committee's general guidelines. The report should also contain detailed information about the practical implementation of the Convention, especially articles 4 and 5.

475. The Committee recommends that the State party provide a core document as soon as possible.

476. The Committee recommends that subjects intended to promote tolerance among different ethnic groups be incorporated in school curricula.

477. The Committee suggests that, in the preparation of its next periodic report, the Government of Tonga may wish to avail itself of the technical assistance provided under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

478. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

479. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

480. The Committee recommends that the State party's next periodic report, due on 17 March 1999, address all the points raised in the present observations. It also expresses the hope that a delegation be present when the Committee considers the report.

Chapter IV

Consideration of communications under article 14 of the Convention

481. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. A list of States parties which have recognized the competence of the Committee to consider such communications can be found in annex I.B.

482. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

483. The Committee began its work under article 14 of the Convention at its thirtieth session, in 1984. At its thirty-sixth session (August 1988), the Committee adopted its Opinion on communication No. 1/1984 (Yilmaz-Dogan v. the Netherlands). 7/ At its thirty-ninth session, on 18 March 1991, the Committee adopted its Opinion on communication No. 2/1989 (Demba Talibe Diop v. France). 8/ At its forty-second session, on 16 March 1993, the Committee, acting under rule 94, paragraph 7, of its rules of procedure, declared admissible and adopted its Opinion on communication No. 4/1991 (L.K. v. the Netherlands). 9/ At its forty-fourth session, on 15 March 1994, the Committee adopted its Opinion on communication No. 3/1991 (Michel L.N. Narrainen v. Norway). 10/ During its forty-sixth session (March 1995), the Committee declared inadmissible communication No. 5/1994 (C.P. v. Denmark). 11/ At its fifty-first session (August 1997), the Committee declared inadmissible communication No. 7/1995 (Barbaro v. Australia). 12/

484. At its fifty-third session (August 1998) the Committee declared inadmissible communication No. 9/1997 (Sidlo v. Sweden) (see annex III). A summary of the Committee's decision in this case is reproduced below. Communications Nos. 6/1995, 8/1996 and 10/1997 were declared admissible and transmitted to the States parties concerned for comments on the merits.

485. Communication No. 9/1997 (Sidlo v. Sweden), declared inadmissible on 17 August 1998, concerned a Swedish citizen of Czechoslovak origin who claimed to have been discriminated against in her search for employment on the basis of her national origin. The State party argued that the author's allegations were inadmissible because of non-exhaustion of domestic remedies, as she could have filed a complaint with the District Court. The Committee concluded that notwithstanding the reservations that the author might have had regarding the effectiveness of national legislation to prevent racial discrimination in the labour market, it was incumbent upon her to pursue the [illegible] including the filing of a complaint with the District

Chapter V

Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

486. Under article 15 of the Convention, the Committee on the Elimination of Racial Discrimination is empowered to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the competent bodies of the United Nations, and to submit to them and to the General Assembly its expressions of opinion and recommendations relating to the principles and objectives of the Convention in those territories.

487. At its 1272nd meeting (fifty-second session), the Committee appointed Mr. van Boven to examine documents made available to the Committee in order for it to perform its functions pursuant to article 15 of the Convention, and requested him to report thereon to the Committee at its fifty-third session.

488. At its 1285th and 1286th meetings (fifty-third session), the Committee discussed the materials before it in the light of Mr. van Boven's oral report. This report took into account the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 1997 (A/52/23, Part I) and copies of the working papers on the 17 territories prepared by the Secretariat for the Special Committee and the Trusteeship Council in 1997 and listed in document CERD/C/343, as well as in annex IV to the present report. The Committee recognized that it was resuming substantive consideration of this agenda item pursuant to its duties under article 15 of the Convention.

489. The Committee noted, as it had done in the past, that it was difficult to fulfil its functions under article 15 of the Convention as a result of the absence of any copies of petitions pursuant to paragraph 2 (a) and due to the fact that the copies of the reports received pursuant to paragraph 2 (b) contained only scant information directly related to the principles and objectives of the Convention.

490. The Committee was aware that certain States parties had submitted over the years information on the implementation of the Convention in territories they are administering or which are otherwise under their jurisdiction and to which article 15 also applies. This practice based on the reporting obligations of States parties pursuant to article 9 of the Convention must be encouraged and be of a consistent nature. The Committee is mindful, however, that the procedures under article 9 of the Convention should be clearly distinguished from those under article 15.

491. The Committee noted that in the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting

having regard to the relevant provisions of article 15 of the Convention. 13/ The Committee further noted, however, that issues concerning racial discrimination, and directly related to the principles and objectives of the Convention, are not reflected in the sections of the report of the Special Committee which deal with the review of work and further work of the Special Committee.

492. In its review of copies of the reports received pursuant to paragraph 2 (b) of article 15 of the Convention (see CERD/C/SR.1285 and 1286), members of the Committee paid particular attention, in the light of the principles and objectives of the Convention, to the conditions prevailing in East Timor, Western Sahara and New Caledonia. The Committee believes it should continue to follow developments in these Territories.

493. The Committee wishes to submit the following opinions and recommendations:

(a) Since the Committee has again not received copies of any petitions pursuant to article 15, paragraph 2 (a) of the Convention, it requests the Secretary-General to clarify the reasons thereof. In case pertinent petitions would exist, the Committee requests the Secretary-General that it be provided with copies of these petitions and any other information relevant to the objectives of the Convention and available to him regarding the Territories mentioned in article 15, paragraph 2 (a);

(b) In the materials to be prepared by the Secretariat for the Special Committee and to be made available by the Secretary-General to the Committee on the Elimination of Racial Discrimination pursuant to paragraph 2 (b) of article 15 of the Convention, more systematic attention should be given, also in the light of the terms of General Assembly resolution 1514 (XV), to human rights aspects and in particular to matters directly related to the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Committee is invited to take this concern into account when devising its future work;

(c) States parties which are administering Non-Self-Governing Territories or otherwise exercising jurisdiction over territories are requested to include, or to continue to include, in their reports to be submitted pursuant to article 9, paragraph 1, of the Convention relevant information on the implementation of the Convention in all territories under their jurisdiction.

Chapter VI

Action by the General Assembly at its fifty-second session

494. The Committee considered at both its fifty-second and fifty-third sessions the agenda item on action taken by the General Assembly at its fifty-second session. The Committee, at its fifty-second session, considered the note by the Secretary-General transmitting to the General Assembly the report of the eighth meeting of persons chairing the human rights treaty bodies (A/52/507) and the note by the Secretary-General transmitting to the General Assembly the report of the ninth meeting of persons chairing the human rights treaty bodies (A/53/125), both concerning the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.

495. At its fifty-third session, the Committee considered the following subjects under this item: (a) the annual report of the Committee submitted to the General Assembly at its fifty-second session; and (b) the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights. For its consideration of the item, the Committee had before it the following documents: (a) General Assembly resolution 52/110 on the report of the Committee on the Elimination of Racial Discrimination; (b) relevant summary records of the Third Committee of the General Assembly, A/C.3/52/SR.27-29, 35, 37 and 49; (c) the report of the Third Committee (A/52/642); (d) General Assembly resolution 52/118 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights; and (e) Commission on Human Rights resolution 1998/27 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.

A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

496. At its fifty-third session, the Committee noted that the General Assembly had commended its work regarding the examination of reports and action on communications under article 14 of the Convention. It was further noted that the General Assembly had also commended its working methods, including its procedure for reviewing the implementation of the Convention in States whose reports are seriously overdue. The Committee welcomed the fact that its contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, had also been commended by the General Assembly in resolution 52/110.

497. The Committee welcomed the General Assembly's request to States parties to accelerate their domestic ratification procedures with regard to the amendments to article 8, paragraph 6, of the Convention concerning the financing of the Committee.

B. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Action at the fifty-second session

498. At its fifty-second session, the Committee considered the note by the Secretary-General transmitting to the General Assembly the report of the eighth meeting of persons chairing the human rights treaty bodies (A/52/507) and the note by the Secretary-General transmitting to the General Assembly the report of the ninth meeting of persons chairing the human rights treaty bodies (A/53/125), both concerning the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.

499. The Committee took note of the recommendations contained in the report of the eighth meeting of persons chairing the human rights treaty bodies (A/52/507, annex). It indicated that it would follow with interest Secretariat action with respect to those recommendations. With regard to the report of the ninth meeting of persons chairing the human rights treaty bodies (A/53/125, annex), the Committee, at its 1268th meeting, on 17 March 1998, took note of the discussion of reservations to international instruments on human rights contained therein and decided to entrust Messrs. Diaconu and Rechetov with the task of preparing a working paper on reservations to the Convention.

Action at the fifty-third session

500. At its fifty-third session, the Committee considered General Assembly resolution 52/118 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and Commission on Human Rights resolution 1998/27 on the same subject. It indicated that it would follow with interest action taken with respect to the recommendations contained in those resolutions.

501. The working paper on reservations to the Convention prepared by Messrs. Diaconu and Rechetov was distributed to the Committee. It was decided that this paper would be discussed at the Committee's fifty-fourth session.

Chapter VII

Submission of reports by States parties under article 9 of the Convention

A. Reports received by the Committee

502. At its thirty-eighth session, in 1990, the Committee decided to accept the proposal of the States parties that States parties submit a comprehensive report every four years and a brief updating report in the two-year interim. Table 1 lists reports received between 23 August 1997 and 21 August 1998.

Table 1

Reports received during the period under review (23 August 1997 to 21 August 1998)

State party	Type of report	Date on which the report was due	Document number
Austria	Eleventh report	8 June 1993	CERD/C/319/Add.5
	Twelfth report	8 June 1995	
	Thirteenth report	8 June 1997	
Chile	Eleventh report	19 November 1992	CERD/C/337/Add.2
	Twelfth report	19 November 1994	
	Thirteenth report	19 November 1996	
	Fourteenth report	19 November 1998	
Colombia	Eighth report	2 October 1996	CERD/C/332/Add.1
	Ninth report	2 October 1998	
Costa Rica	Twelfth report	4 January 1992	CERD/C/338/Add.4
	Thirteenth report	4 January 1994	
	Fourteenth report	4 January 1996	
	Fifteenth report	4 January 1998	
Croatia	Initial report	8 October 1992	CERD/C/290/Add.1
	Second report	8 October 1994	
	Third report	8 October 1996	
Finland	Thirteenth report	13 August 1995	CERD/C/320/Add.2
	Fourteenth report	13 August 1997	
Gabon	Second report	30 March 1983	CERD/C/315/Add.1
	Third report	30 March 1985	
	Fourth report	30 March 1987	
	Fifth report	30 March 1989	
	Sixth report	30 March 1991	
	Seventh report	30 March 1993	
	Eighth report	30 March 1995	
	Ninth report	30 March 1997	

State party	Type of report	Date on which the report was due	Document number
Ghana	Twelfth report	4 January 1992	CERD/C/338/Add.5
	Thirteenth report	4 January 1994	
	Fourteenth report	4 January 1996	
	Fifteenth report	4 January 1998	
Iraq	Fourteenth report	13 February 1997	CERD/C/320/Add.3
Italy	Tenth report	4 February 1995	CERD/C/317/Add.1
	Eleventh report	4 February 1997	
Jordan	Ninth report	29 June 1991	CERD/C/318/Add.1
	Tenth report	29 June 1993	
	Eleventh report	29 June 1995	
	Twelfth report	29 June 1997	
Lesotho	Seventh report	4 December 1984	CERD/C/337/Add.1
	Eighth report	4 December 1986	
	Ninth report	4 December 1988	
	Tenth report	4 December 1990	
	Eleventh report	4 December 1992	
	Twelfth report	4 December 1994	
	Thirteenth report	4 December 1996	
	Fourteenth report	4 December 1998	
Mauritania	Initial report	12 January 1990	CERD/C/330/Add.1
	Second report	12 January 1992	
	Third report	12 January 1994	
	Fourth report	12 January 1996	
	Fifth report	12 January 1998	
Mongolia	Eleventh report	5 September 1990	CERD/C/338/Add.3
	Twelfth report	5 September 1992	
	Thirteenth report	5 September 1994	
	Fourteenth report	5 September 1996	
	Fifteenth report	5 September 1998	
Morocco	Twelfth report	17 January 1994	CERD/C/298/Add.4
	Thirteenth report	17 January 1996	
Peru	Twelfth report	29 October 1994	CERD/C/298/Add.5
	Thirteenth report	29 October 1996	
Portugal	Fifth report	23 September 1991	CERD/C/314/Add.1
	Sixth report	23 September 1993	
	Seventh report	23 September 1995	
	Eighth report	23 September 1997	

State party	Type of report	Date on which the report was due	Document number
Republic of Korea	Ninth report	4 January 1996	CERD/C/333/Add.1
	Tenth report	4 January 1998	
Spain	Fourteenth report	4 January 1996	CERD/C/338/Add.6
	Fifteenth report	4 January 1998	
Syrian Arab Republic	Twelfth report	21 May 1992	CERD/C/338/Add.1
	Thirteenth report	21 May 1994	
	Fourteenth report	21 May 1996	
	Fifteenth report	21 May 1998	
Uruguay	Twelfth report	4 January 1992	CERD/C/338/Add.7
	Thirteenth report	4 January 1994	
	Fourteenth report	4 January 1996	
	Fifteenth report	4 January 1998	

B. Reports not yet received by the Committee

503. Table 2 lists reports which were due before the end of the fifty-third session but which have not yet been received.

Table 2

Reports due before the closing date of the fifty-third session (21 August 1998) but which have not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent
Afghanistan	Second report	5 August 1986	9
	Third report	5 August 1988	7
	Fourth report	5 August 1990	7
	Fifth report	5 August 1992	4
	Sixth report	5 August 1994	3
	Seventh report	5 August 1996	2
	Eighth report	5 August 1998	-
Albania	Initial report	10 June 1995	2
	Second report	10 June 1997	1
Algeria	Thirteenth report	15 March 1997	1
Antigua and Barbuda	Initial report	24 November 1989	3
	Second report	24 November 1991	3
	Third report	24 November 1993	2
	Fourth report	24 November 1995	2
	Fifth report	24 November 1997	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Argentina	Fifteenth report	4 January 1998	-
Armenia	Third report	23 July 1998	-
Australia	Tenth report	30 October 1994	2
	Eleventh report	30 October 1996	2
Azerbaijan	Initial report	15 September 1997	1
Bahamas	Fifth report	4 September 1984	11
	Sixth report	4 September 1986	7
	Seventh report	4 September 1988	5
	Eighth report	4 September 1990	5
	Ninth report	4 September 1992	4
	Tenth report	4 September 1994	3
	Eleventh report	4 September 1996	2
Bahrain	Initial report	26 April 1991	1
	Second report	26 April 1993	1
	Third report	26 April 1995	1
	Fourth report	26 April 1997	-
Bangladesh	Seventh report	11 July 1992	3
	Eighth report	11 July 1994	3
	Ninth report	11 July 1996	2
	Tenth report	11 July 1998	-
Barbados	Eighth report	8 December 1987	6
	Ninth report	8 December 1989	6
	Tenth report	8 December 1991	3
	Eleventh report	8 December 1993	2
	Twelfth report	8 December 1995	2
	Thirteenth report	8 December 1997	-
Belarus	Fifteenth report	8 May 1998	-
Belgium	Eleventh report	6 September 1996	2
Bolivia	Thirteenth report	22 October 1995	2
	Fourteenth report	22 October 1997	1
Bosnia and Herzegovina a/	Initial report	16 July 1994	2
	Second report	16 July 1996	2
	Third report	16 July 1998	-
Botswana	Sixth report	22 March 1985	10
	Seventh report	22 March 1987	7
	Eighth report	22 March 1989	5

State party	Type of report	Date on which the report was due	Number of reminders sent
Botswana (cont'd)	Ninth report	22 March 1991	4
	Tenth report	22 March 1993	2
	Eleventh report	22 March 1995	2
	Twelfth report	22 March 1997	1
Brazil	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Bulgaria	Fifteenth report	4 January 1998	-
Burkina Faso	Twelfth report	17 August 1997	1
Cameroon	Fourteenth report	24 July 1998	-
Canada	Thirteenth report	13 November 1995	2
	Fourteenth report	13 November 1997	1
Cape Verde	Third report	2 November 1984	11
	Fourth report	2 November 1986	8
	Fifth report	2 November 1988	6
	Sixth report	2 November 1990	5
	Seventh report	2 November 1992	3
	Eighth report	2 November 1994	3
	Ninth report	2 November 1996	2
Central African Republic	Eighth report	15 April 1986	9
	Ninth report	15 April 1988	7
	Tenth report	15 April 1990	7
	Eleventh report	15 April 1992	4
	Twelfth report	15 April 1994	3
	Thirteenth report	15 April 1996	2
	Fourteenth report	15 April 1998	-
Chad	Tenth report	16 September 1996	2
China	Eighth report	28 January 1997	1
Congo	Initial report	10 August 1989	3
	Second report	10 August 1991	3
	Third report	10 August 1993	2
	Fourth report	10 August 1995	2
	Fifth report	10 August 1997	1
Côte d'Ivoire	Fifth report	3 February 1982	16
	Sixth report	3 February 1984	12
	Seventh report	3 February 1986	8
	Eighth report	3 February 1988	5
	Ninth report	3 February 1990	5
	Tenth report	3 February 1992	4

State party	Type of report	Date on which the report was due	Number of reminders sent
Côte d'Ivoire (cont'd)	Eleventh report	3 February 1994	3
	Twelfth report	3 February 1996	2
	Thirteenth report	3 February 1998	-
Cyprus	Fifteenth report	4 January 1998	-
Democratic Republic of the Congo	Eleventh report	21 May 1997	1
Dominican Republic	Fourth report	24 June 1990	3
	Fifth report	24 June 1992	3
	Sixth report	24 June 1994	2
	Seventh report	24 June 1996	2
	Eighth report	24 June 1998	-
Ecuador	Thirteenth report	4 January 1994	2
	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Egypt	Thirteenth report	4 January 1994	2
	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
El Salvador	Ninth report	30 December 1996	1
Estonia	Initial report	20 November 1992	2
	Second report	20 November 1994	2
	Third report	20 November 1996	1
Ethiopia	Seventh report	23 July 1989	3
	Eighth report	23 July 1991	3
	Ninth report	23 July 1993	2
	Tenth report	23 July 1995	2
	Eleventh report	23 July 1997	1
Fiji	Sixth report	11 January 1984	11
	Seventh report	11 January 1986	7
	Eighth report	11 January 1988	5
	Ninth report	11 January 1990	5
	Tenth report	11 January 1992	4
	Eleventh report	11 January 1994	3
	Twelfth report	11 January 1996	2
	Thirteenth report	11 January 1998	-
France	Twelfth report	27 August 1994	2
	Thirteenth report	27 August 1996	2

State party	Type of report	Date on which the report was due	Number of reminders sent
Gambia	Second report	28 January 1982	16
	Third report	28 January 1984	12
	Fourth report	28 January 1986	8
	Fifth report	28 January 1988	5
	Sixth report	28 January 1990	5
	Seventh report	28 January 1992	4
	Eighth report	28 January 1994	3
	Ninth report	28 January 1996	2
	Tenth report	28 January 1998	-
Germany	Fifteenth report	15 June 1998	-
Greece	Twelfth report	18 July 1993	2
	Thirteenth report	18 July 1995	2
	Fourteenth report	18 July 1997	1
Guatemala	Eighth report	17 February 1998	-
Guyana	Initial report	17 March 1978	23
	Second report	17 March 1980	19
	Third report	17 March 1982	15
	Fourth report	17 March 1984	12
	Fifth report	17 March 1986	8
	Sixth report	17 March 1988	5
	Seventh report	17 March 1990	5
	Eighth report	17 March 1992	4
	Ninth report	17 March 1994	3
	Tenth report	17 March 1996	2
	Eleventh report	17 March 1998	-
Haiti	Tenth report	18 January 1992	3
	Eleventh report	18 January 1994	3
	Twelfth report	18 January 1996	2
	Thirteenth report	18 January 1998	-
Holy See	Thirteenth report	31 May 1994	2
	Fourteenth report	31 May 1996	2
	Fifteenth report	31 May 1998	-
Hungary	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Iceland	Fifteenth report	4 January 1998	-
India	Fifteenth report	4 January 1999	-
Iran (Islamic Republic of)	Thirteenth report	4 January 1994	2
	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Israel	Tenth report	2 February 1998	-
Jamaica	Eighth report	4 July 1986	9
	Ninth report	4 July 1988	7
	Tenth report	4 July 1990	7
	Eleventh report	4 July 1992	4
	Twelfth report	4 July 1994	3
	Thirteenth report	4 July 1996	2
	Fourteenth report	4 July 1998	-
Japan	Initial report	14 January 1997	1
Kuwait	Fifteenth report	4 January 1998	-
Lao People's Democratic Republic	Sixth report	24 March 1985	9
	Seventh report	24 March 1987	6
	Eighth report	24 March 1989	5
	Ninth report	24 March 1991	3
	Tenth report	24 March 1993	2
	Eleventh report	24 March 1995	2
	Twelfth report	24 March 1997	1
Latvia	Initial report	14 May 1993	2
	Second report	14 May 1995	2
	Third report	14 May 1997	1
Liberia	Initial report	5 December 1977	23
	Second report	5 December 1979	19
	Third report	5 December 1981	15
	Fourth report	5 December 1983	12
	Fifth report	5 December 1985	8
	Sixth report	5 December 1987	5
	Seventh report	5 December 1989	5
	Eighth report	5 December 1991	4
	Ninth report	5 December 1993	3
	Tenth report	5 December 1995	2
	Eleventh report	5 December 1997	-
Libyan Arab Jamahiriya	Fifteenth report	4 January 1998	-
Luxembourg	Tenth report	31 May 1997	1
Madagascar	Tenth report	9 March 1988	6
	Eleventh report	9 March 1990	6
	Twelfth report	9 March 1992	3
	Thirteenth report	9 March 1994	2
	Fourteenth report	9 March 1996	2
	Fifteenth report	9 March 1998	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Malawi	Initial report	11 July 1997	1
Maldives	Fifth report	24 May 1993	2
	Sixth report	24 May 1995	2
	Seventh report	24 May 1997	1
Mali	Seventh report	15 August 1987	6
	Eighth report	15 August 1989	6
	Ninth report	15 August 1991	4
	Tenth report	15 August 1993	2
	Eleventh report	15 August 1995	2
	Twelfth report	15 August 1997	1
Malta	Thirteenth report	26 June 1996	2
	Fourteenth report	26 June 1998	-
Mauritius	Thirteenth report	29 June 1997	1
Mexico	Twelfth report	22 March 1998	-
Monaco	Initial report	27 October 1996	1
Morocco	Fourteenth report	17 January 1998	-
Mozambique	Second report	18 May 1986	9
	Third report	18 May 1988	7
	Fourth report	18 May 1990	7
	Fifth report	18 May 1992	4
	Sixth report	18 May 1994	3
	Seventh report	18 May 1996	2
	Eighth report	18 May 1998	-
Namibia	Eighth report	11 December 1997	-
Nepal	Fourteenth report	1 March 1998	-
Netherlands	Thirteenth report	9 January 1997	-
New Zealand	Twelfth report	22 December 1995	2
	Thirteenth report	22 December 1997	-
Nicaragua	Tenth report	17 March 1997	1
Niger	Fifteenth report	4 January 1998	-
Nigeria	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Pakistan	Fifteenth report	4 January 1998	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Panama	Fifteenth report	4 January 1998	-
Papua New Guinea	Second report	26 February 1985	10
	Third report	26 February 1987	7
	Fourth report	26 February 1989	5
	Fifth report	26 February 1991	4
	Sixth report	26 February 1993	2
	Seventh report	26 February 1995	2
	Eighth report	26 February 1997	1
Philippines	Fifteenth report	4 January 1998	-
Poland	Fifteenth report	4 January 1998	-
Qatar	Ninth report	21 August 1993	2
	Tenth report	21 August 1995	2
	Eleventh report	21 August 1997	1
Republic of Moldova	Initial report	25 February 1994	2
	Second report	25 February 1996	2
	Third report	25 February 1998	-
Romania	Twelfth report	15 October 1993	2
	Thirteenth report	15 October 1995	2
	Fourteenth report	15 October 1997	1
Russian Federation	Fifteenth report	6 March 1998	-
Rwanda	Eighth report	16 May 1990	4
	Ninth report	16 May 1992	4
	Tenth report	16 May 1994	3
	Eleventh report	16 May 1996	2
	Twelfth report	16 May 1998	-
Saint Lucia	Initial report	16 March 1991	3
	Second report	16 March 1993	3
	Third report	16 March 1995	2
	Fourth report	16 March 1997	1
Saint Vincent and the Grenadines	Second report	9 December 1984	10
	Third report	9 December 1986	7
	Fourth report	9 December 1988	5
	Fifth report	9 December 1990	4
	Sixth report	9 December 1992	2
	Seventh report	9 December 1994	2
	Eighth report	9 December 1996	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Senegal	Eleventh report	19 May 1993	2
	Twelfth report	19 May 1995	2
	Thirteenth report	19 May 1997	1
Seychelles	Sixth report	6 April 1989	3
	Seventh report	6 April 1991	3
	Eighth report	6 April 1993	2
	Ninth report	6 April 1995	2
	Tenth report	6 April 1997	1
Sierra Leone	Fourth report	4 January 1976	26
	Fifth report	4 January 1978	22
	Sixth report	4 January 1980	20
	Seventh report	4 January 1982	16
	Eighth report	4 January 1984	12
	Ninth report	4 January 1986	8
	Tenth report	4 January 1988	5
	Eleventh report	4 January 1990	5
	Twelfth report	4 January 1992	4
	Thirteenth report	4 January 1994	3
	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
	Supplementary	31 March 1975	1
Slovakia	Initial report	28 May 1994	2
	Second report	28 May 1996	2
	Third report	28 May 1998	-
Slovenia	Initial report	6 July 1993	2
	Second report	6 July 1995	2
	Third report	6 July 1997	1
Solomon Islands	Second report	16 April 1985	10
	Third report	16 April 1987	7
	Fourth report	16 April 1989	5
	Fifth report	16 April 1991	4
	Sixth report	16 April 1993	2
	Seventh report	16 April 1995	2
	Eighth report	16 April 1997	1
Somalia	Fifth report	25 September 1984	11
	Sixth report	25 September 1986	8
	Seventh report	25 September 1988	6
	Eighth report	25 September 1990	5
	Ninth report	25 September 1992	3
	Tenth report	25 September 1994	3
	Eleventh report	25 September 1996	2

State party	Type of report	Date on which the report was due	Number of reminders sent
Sri Lanka	Seventh report	20 March 1995	2
	Eighth report	20 March 1997	1
Sudan	Ninth report	20 April 1994	2
	Tenth report	20 April 1996	2
	Eleventh report	20 April 1998	-
Suriname	Initial report	14 April 1985	10
	Second report	14 April 1987	7
	Third report	14 April 1989	5
	Fourth report	14 April 1991	4
	Fifth report	14 April 1993	2
	Sixth report	14 April 1995	2
	Seventh report	14 April 1997	1
Swaziland	Fifteenth report	7 May 1998	-
Sweden	Thirteenth report	5 January 1997	1
Switzerland	Second report	29 December 1997	-
Tajikistan	Initial report	10 February 1996	2
	Second report	10 February 1998	-
Togo	Sixth report	1 October 1983	12
	Seventh report	1 October 1985	8
	Eighth report	1 October 1987	5
	Ninth report	1 October 1989	5
	Tenth report	1 October 1991	4
	Eleventh report	1 October 1993	3
	Twelfth report	1 October 1995	2
	Thirteenth report	1 October 1997	1
Trinidad and Tobago	Eleventh report	3 November 1994	2
	Twelfth report	3 November 1996	2
Tunisia	Thirteenth report	4 January 1994	2
	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Turkmenistan	Initial report	29 October 1995	2
	Second report	29 October 1997	1
Uganda	Second report	21 December 1983	12
	Third report	21 December 1985	8
	Fourth report	21 December 1987	6
	Fifth report	21 December 1989	5
	Sixth report	21 December 1991	4
	Seventh report	21 December 1993	3

State party	Type of report	Date on which the report was due	Number of reminders sent
Uganda (cont'd)	Eighth report	21 December 1995	2
	Ninth report	21 December 1997	-
Ukraine	Fifteenth report	6 April 1998	-
United Arab Emirates	Twelfth report	20 July 1997	1
United Kingdom of Great Britain and Northern Ireland	Fifteenth report	6 April 1998	-
United Republic of Tanzania	Eighth report	26 November 1987	6
	Ninth report	26 November 1989	6
	Tenth report	26 November 1991	3
	Eleventh report	26 November 1993	2
	Twelfth report	26 November 1995	2
	Thirteenth report	26 November 1997	1
United States of America	Initial report	20 November 1995	2
	Second report	20 November 1997	1
Uzbekistan	Initial report	28 October 1996	2
Venezuela	Fourteenth report	4 January 1996	2
	Fifteenth report	4 January 1998	-
Viet Nam	Sixth report	9 July 1993	2
	Seventh report	9 July 1995	2
	Eighth report	9 July 1997	1
Yemen	Eleventh report	17 November 1993	2
	Twelfth report	17 November 1995	2
	Thirteenth report	17 November 1997	1
Yugoslavia	Fifteenth report	4 January 1998	-
Zambia	Twelfth report	5 March 1995	2
	Thirteenth report	5 March 1997	1
Zimbabwe	Second report	12 June 1994	2
	Third report	12 June 1996	2
	Fourth report	12 June 1998	-

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a/ For a report submitted in compliance with a special decision of the Committee taken at its forty-second session (1993), see CERD/C/247.

Chapter VIII

Third Decade to Combat Racism and Racial Discrimination

504. The Committee discussed the agenda item on the Third Decade to Combat Racism and Racial Discrimination at its fifty-second and fifty-third sessions.

505. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights, Mr. Maurice Glélé-Ahanhanzo, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/52/471);

(b) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/52/528);

(c) General Assembly resolution 52/109 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(d) General Assembly resolution 52/111 on the Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference against racism, racial discrimination, xenophobia and related intolerance;

(e) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/1997/87);

(f) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1997/68);

(g) Report of the United Nations seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination with particular reference to articles 4 and 6 (E/CN.4/1997/68/Add.1);

(h) Report of the Secretary-General on racial discrimination, xenophobia and related intolerance (E/CN.4/1998/77);

(i) Report of the seminar on immigration, racism and racial discrimination (E/CN.4/1998/77/Add.1);

(j) Report of the expert seminar on the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/1998/77/Add.2);

(k) Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1997/73 (E/CN.4/1998/79);

(l) Commission on Human Rights resolution 1998/26 on racism, racial discrimination, xenophobia and related intolerance;

(m) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/1998/L.37 entitled "Racism, racial discrimination, xenophobia and related intolerance" (E/CN.4/1998/L.98);

(n) Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, prepared by Mr. José Bengoa, Mr. Ivan Garvalov, Mr. Mustafa Mehedi and Mrs. Shanti Sadiq Ali (E/CN.4/Sub.2/1998/4).

506. At the 1270th meeting, the former Chairman of the Committee, Mr. Banton, reported that, pursuant to instructions from the Committee, he had sent a letter to the Secretary-General and the Chairman of the Commission on Human Rights, which contained a list of subjects on which specialist reviews might be prepared by the Committee as a basis for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

507. The Committee took note of General Assembly resolution 52/111, in which the Assembly decided that the Commission on Human Rights would act as the preparatory committee for the World Conference, and further noted that the Committee was requested to take part in and contribute to the preparations for the World Conference and participate in the World Conference itself. The Committee noted that its members had over the years produced a large number of studies which could contribute to the World Conference.

508. The Committee decided to create a contact group of three members which should collect information on the preparations for the World Conference and report to the Committee, with suggestions on the Committee's contribution thereto. The members of the Committee designated to be in the contact group were Mr. Garvalov, Ms. McDougall and Mr. Yutzis.

509. At its 1274th meeting, the Committee noted other developments with respect to the Third Decade to Combat Racism and Racial Discrimination. It noted that Mr. Banton had participated in the seminar on immigration, racism and racial discrimination held within the framework of the activities for the Third Decade. It also noted that Mr. Shahi had participated in the seminar on the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. Messrs. Banton and Shahi gave oral reports to the Committee on the seminars in which they had participated.

510. At its 1281st meeting, the Committee noted with interest the description of the contribution of the United Nations Department of Public Information to the Third Decade to Combat Racism and Racial Discrimination in chapter IV, section B, of the Secretary-General's report to the Commission on Human Rights (E/CN.4/1998/77). Committee members noted from paragraph 18 of that section of the chapter that the Department was preparing a background article on racism and its consequences. Members expressed the hope that any such article would be positive in character and stress the conclusion that States parties, by fulfilling their obligations under the Convention, had succeeded in reducing the incidence of racial discrimination in a great variety of fields of public life. It was also noted that the annual reports of the Committee to

the General Assembly contained a wealth of evidence about such achievements. A letter was sent from the Chairman of the Committee to the Department of Public Information to communicate those views.

511. At the same meeting, the Committee discussed the contribution of the Special Adviser on Gender Issues and Advancement of Women to the Secretary-General's report to the Commission on Human Rights (E/CN.4/1998/77). The Committee expressed its concern that paragraph 3 of chapter IV, section C, of that report seriously misrepresented the position taken by the Committee on gender issues. A letter was sent by the Chairman of the Committee to the Special Adviser expressing those views.

512. At its 1295th meeting, the Committee discussed the joint working paper on article 7 of the Convention (E/CN.4/1998/Sub.2/4), which had been prepared by two members of the Committee, Mr. Garvalov and Mrs. Sadiq Ali, and two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Bengoa and Mr. Mustafa Mehedi. Mr. Bengoa, expert of the Sub-Commission, was present during the presentation of the joint working paper to the Committee and made a brief statement. In addition, Mr. Garvalov and other members of the Committee made statements regarding the joint working paper. The Committee took note of the joint working paper, commended the four experts for their collaborative efforts and expressed the hope that similar joint projects with the Sub-Commission would be undertaken in the future.

513. At its 1302nd and 1303rd meetings, the Committee welcomed General Assembly resolution 52/111, including its decision to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held not later than the year 2001. It took note of paragraph 51 of Commission on Human Rights resolution 1998/26, in which the Commission invited the Committee to contribute to the preparatory process for the World Conference. The Committee discussed a wide variety of ideas about matters which might feature in the Conference agenda and in the concluding declaration and programme of action (see decision 9 (53) below).

Decision 9 (53)

The Committee on the Elimination of Racial Discrimination,

Welcoming General Assembly resolution 52/111, by which the Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, to be held not later than the year 2001,

Noting Commission on Human Rights resolution 1998/26, in which the Commission invited the Committee to give high priority to the preparatory process for the World Conference and to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and in the Conference itself,

1. Welcomes the invitation of the Commission on Human Rights to the Committee, as contained in Commission resolution 1998/26, paragraph 51;

2. Reiterates its readiness to participate in the entire preparatory process for the World Conference and in the Conference itself;

3. Indicates that it has commenced considering suggestions for the agenda of the World Conference and ideas the World Conference may take into consideration in any declaration and programme of action which it may decide to adopt;

4. Is of the view that the agenda could include the following topics: current realities in the aftermath of slavery and colonialism; impact of economic globalization and racial equality; treatment of migrants, refugees, asylum-seekers and displaced persons; prevention of racial discrimination, including early warning and urgent procedures; prevention of racial discrimination through education; remedies, redress mechanisms and reparations for racial discrimination; international mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development; combating hate speech and promoting tolerance in the digital age; the implications of multiple identities (race, colour, descent, national or ethnic origin, gender);

5. Emphasizes that these suggestions need further elaboration and that this will be done by the Committee with the view to presenting a document at its session in March 1999.

1303rd meeting
21 August 1998

514. The reports which States parties have submitted under the International Convention on the Elimination of All Forms of Racial Discrimination contain a wealth of information about the causes of discrimination based upon race, colour, descent, and national or ethnic origin. They describe in detail the policies which States have adopted to meet the requirements of the Convention as they apply to their special circumstances. The Committee's 29 annual reports to the General Assembly include the increasingly specific observations which the Committee has adopted when concluding its examination of the information received. Therefore they cover much which explains the persistence of racial discrimination, the causes of ethnic conflict, the problems of migrant workers, refugees, asylum seekers and undocumented workers in particular, as well as those of distinctive minorities like the Roma. They outline the successes of the campaign against racial discrimination as well as the continuing challenges. It is difficult to synthesize the many lessons which the Committee has learned over the years and to communicate them in a form suited to a less specialized readership. Therefore the Committee hopes to pursue a dialogue with those responsible for planning the Conference.

Chapter IX

Overview of the methods of work of the Committee

515. An overview of the methods of work of the Committee appeared in its report to the General Assembly at its fifty-first session. 14/ That summary highlighted changes introduced in recent years and was designed to make the Committee's procedures more transparent and accessible to both States parties and the public. No material changes have occurred in the Committee's methods of work since that report.

Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Seventeenth Meeting of States Parties, Decisions (CERD/SP/59 and Corr.1, CERD/SP/59/Add.1, and CERD/SP/60).

2/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect. B.

3/ Ibid., Forty-eighth Session, Supplement No. 18 (A/46/18), annex III.

4/ See "Compilation of general comments and general recommendations adopted by the human rights treaty bodies" (HRI/GEN/1/Rev.3).

5/ E/CN.4/1998/64.

6/ E/CN.4/1998/65.

7/ Official Records of the General Assembly, Forty-third Session, Supplement No. 18 (A/43/18), annex IV.

8/ Ibid., Forty-sixth Session, Supplement No. 18 (A/46/18), annex VIII.

9/ Ibid., Forty-eighth Session, Supplement No. 18 (A/48/18), annex IV.

10/ Ibid., Forty-ninth Session, Supplement No. 18 (A/49/18), annex IV.

11/ Ibid., Fiftieth Session, Supplement No. 18 (A/50/18), annex VIII.

12/ Ibid., Fifty-second Session, Supplement No. 18 (A/52/18), annex III.

13/ For the final report, see Official Records of the General Assembly, Fifty-second Session, Supplement No. 23 (A/52/23 (Part I), paras. 85 and 93-94).

14/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 18 (A/51/18), paras. 587-627.

Annex I

Status of the Convention

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (150), as at 21 August 1998

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Albania	11 May 1994 a/	10 June 1994
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 a/	24 November 1988
Argentina	2 October 1968	4 January 1969
Armenia	23 June 1993 a/	23 July 1993
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Azerbaijan	16 August 1996 a/	15 September 1996
Bahamas	5 August 1975 b/	4 September 1975
Bahrain	27 March 1990 a/	26 April 1990
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belarus	8 April 1969	8 May 1969
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Bosnia and Herzegovina	16 July 1993 b/	16 July 1993
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	13 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Croatia	12 October 1992 b/	8 October 1991

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czech Republic	22 February 1993 b/	1 January 1993
Democratic Republic of the Congo	21 April 1976 a/	21 May 1976
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Estonia	21 October 1991 a/	20 November 1991
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	10 February 1973
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
Germany	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Japan	15 December 1995	14 January 1996
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Kyrgzstan	5 September 1997	5 October 1997
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Latvia	14 April 1992 a/	14 May 1992
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Malawi	11 June 1996 a/	11 July 1996
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972
Mexico	20 February 1975	22 March 1975
Monaco	27 September 1995	27 October 1995
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Republic of Moldova	26 January 1993 a/	25 February 1993
Romania	15 September 1970 a/	15 October 1970
Russian Federation	4 February 1969	6 March 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Rwanda	16 April 1975 a/	16 May 1975
Saint Lucia	14 February 1990 b/	16 March 1990
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Saudi Arabia	22 September 1997	22 October 1997
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Slovakia	28 May 1993 b/	28 May 1993
Slovenia	6 July 1992 b/	6 July 1992
Solomon Islands	17 March 1982 b/	16 April 1982
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	14 April 1984
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Switzerland	29 November 1994 a/	29 December 1994
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Tajikistan	11 January 1995 a/	10 February 1995
The former Yugoslav Republic of Macedonia	18 January 1994 b/	17 September 1991
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Turkmenistan	29 September 1994 a/	29 October 1994
Uganda	21 November 1980 a/	21 December 1980
Ukraine	7 March 1969	6 April 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
United States of America	21 October 1994	20 November 1994
Uruguay	30 August 1968	4 January 1969
Uzbekistan	28 September 1995 a/	28 October 1995
Venezuela	10 October 1967	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Viet Nam	9 June 1982 a/	9 July 1982
Yemen	18 October 1972 a/	17 November 1972
Yugoslavia	2 October 1967	4 January 1969
Zambia	4 February 1972	5 March 1972
Zimbabwe	13 May 1991 a/	12 June 1991

B. States parties that have made the declaration under article 14, paragraph 1, of the Convention (25), as at 21 August 1998

State party	Date of deposit of the declaration	Effective date
Algeria	12 September 1989	12 September 1989
Australia	28 January 1993	28 January 1993
Bulgaria	12 May 1993	12 May 1993
Chile	18 May 1994	18 May 1994
Costa Rica	8 January 1974	8 January 1974
Cyprus	30 December 1993	30 December 1993
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
Finland	16 November 1994	16 November 1994
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Luxembourg	22 July 1996	22 July 1996
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Republic of Korea	5 March 1997	5 March 1997
Russian Federation	1 October 1991	1 October 1991
Senegal	3 December 1982	3 December 1982
Slovakia	17 March 1995	17 March 1995
Spain	13 January 1998	13 January 1998
Sweden	6 December 1971	5 January 1972
Ukraine	28 July 1992	28 July 1992
Uruguay	11 September 1972	11 September 1972

C. States parties that have accepted the amendments to the Convention adopted at the Fourteenth Meeting of States Parties c/ (24), as at 21 August 1998

State party	Date acceptance received
Australia	15 October 1993
Bahamas	31 March 1994
Bulgaria	2 March 1995
Burkina Faso	9 August 1993
Canada	8 February 1995
Cuba	21 November 1996
Cyprus	29 July 1997
Denmark	3 September 1993
Finland	9 February 1994
France	1 September 1994
Germany	15 January 1996
Mexico	16 September 1996
Netherlands (for the Kingdom in Europe and the Netherlands Antilles and Aruba)	24 January 1995
New Zealand	8 October 1993
Norway	6 October 1993
Republic of Korea	30 November 1993
Seychelles	23 July 1993
Sweden	14 May 1993
Switzerland	16 December 1996
Syrian Arab Republic	25 February 1998
Trinidad and Tobago	23 August 1993
Ukraine	17 June 1994
United Kingdom of Great Britain and Northern Ireland	7 February 1994
Zimbabwe	10 April 1997

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a/ Accession.

b/ Date of receipt of notification of succession.

c/ For the amendments to enter into force, acceptance must be received from two thirds of the States parties to the Convention.

Annex II

Agendas of the fifty-second and fifty-third sessions

A. Fifty-second session

1. Opening of the session by the representative of the Secretary-General.

2. Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure.

3. Election of officers.

4. Adoption of the agenda.

5. Organizational and other matters.

6. Prevention of racial discrimination, including early warning and urgent action procedures.

7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.

8. Submission of reports by States parties under article 9, paragraph 1, of the Convention.

9. Consideration of communications under article 14 of the Convention.

10. Consideration of copies of petitions and reports under article 15 of the Convention.

11. Action by the General Assembly at its fifty-second session:

    (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;

    (b) Effective implementation of international instruments on human rights.

12. Third Decade to Combat Racism and Racial Discrimination.

B. Fifty-third session

1. Adoption of the agenda.

2. Organizational and other matters.

3. Prevention of racial discrimination, including early warning measures and urgent action procedures.

4. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.

5. Submission of reports by States parties under article 9, paragraph 1, of the Convention.

6. Action by the General Assembly at its fifty-second session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention.

7. Consideration of communications under article 14 of the Convention.

8. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

9. Third Decade to Combat Racism and Racial Discrimination.

10. Report of the Committee to the General Assembly at its fifty-third session under article 9, paragraph 2, of the Convention.

Annex III

Decision of the Committee on the Elimination of Racial Discrimination under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination

Decision concerning communication No. 9/1997

Submitted by: D.S.

Alleged victim: The author

State party concerned: Sweden

Date of communication: 15 February 1997

The Committee on the Elimination of Racial Discrimination, established under article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Meeting on 17 August 1998,

Adopts the following:

Decision on admissibility

1. The author of the communication (initial submission dated 15 February 1997) is D.S., a Swedish citizen of Czechoslovak origin, born in 1947, currently residing in Solna, Sweden. She claims to be a victim of violations by Sweden of articles 2, 3, 5 (e) (i) and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.

The facts as submitted by the author

2.1 In April 1995, the National Board of Health and Welfare advertised a vacancy for a post of researcher/project coordinator with the National Board of Health and Welfare (*Socialstyrelsen*). In the vacancy announcement, the Board looked for applicants who would be able to collect and process material from investigative studies, and follow-up, in the field of public health and medical care, the structure, content and quality of medical care in hospitals. The vacancy announcement stipulated that applicants for general research jobs should have a good knowledge of and experience in the subject area and a good knowledge of techniques and measures used to measure, describe, evaluate and judge the efficacy and results of an activity. Another requirement was that applicants should have a basic academic degree, if possible supplemented by further courses in the field of research and evaluation and with experience in the subject area. Other requirements included the ability to cooperate with others, the power of initiative and ease of oral and written expression. Proficiency in another language was considered an additional asset.

2.2 One hundred and forty-seven individuals applied for the vacancy, including the author and S.L. On 10 November 1995, the National Board of Health and Welfare decided to appoint S.L. as researcher and project

coordinator to the Board; she assumed her duties with effect from 1 October 1995. The author appealed to the Government against this decision, considering that her qualifications were superior to those of S.L., and that she had been refused the post because of her foreign origin.

2.3 On 14 March 1996, the Government annulled the National Board's decision to appoint S.L. to the post and referred the matter back to the Board for reconsideration. The Government's decision was based on the fact that at the time of S.L.'s appointment, the latter had not yet earned an academic degree (although she was studying for one at that time). Therefore, S.L. did not formally satisfy the requirements for the position as specified by the National Board in the vacancy announcement. The National Board's decision in the case was found to be formally incorrect.

2.4 Shortly afterwards, the National Board of Health and Welfare re-advertised the post of researcher to the Board. The vacancy announcement now stipulated that the Board was looking for a person to work on the MARS (Medical Access and Result System) project to assist in the collection and the processing of material from investigations and studies and in the evaluation of the public health and medical care structure. The work would involve contacts with medical experts to draw up catalogues and prepare material for multimedia presentations. As to the qualifications, the announcement now required "a basic academic degree *or equivalent*, as well as experience in the subject area". Other requirements included the ability to cooperate and work in a team, the power of initiative, and ease of oral and written expression. A good knowledge of English was required.

2.5 A total of 83 individuals applied for the re-advertised post, inter alia, the author and S.L. The National Board of Health and Welfare invited four of them for an interview, including the author and S.L. Their qualifications were assessed thoroughly. On 20 May 1996, the Board decided once again to appoint S.L. as a researcher to the Board. On 6 June 1996, the author filed another appeal with the Government against this decision, claiming that she was better qualified than S.L. and referring to the fact that she had more relevant academic education and greater work experience.

2.6 The National Board of Health and Welfare prepared a detailed opinion to the Government on the issue. In its opinion, it justified the change of criteria in the re-advertisement of the vacancy and emphasized that the selection process had been careful. The Board observed that on the basis of this process, it was concluded that S.L. was deemed to have the best qualifications for the post, including personal suitability; the Board added that S.L. had by then earned an academic degree in behavioural science. The author was considered the least qualified of the four applicants who had been shortlisted.

2.7 On 12 September 1996, the Government rejected the author's appeal, without giving reasons. The author appealed against this decision as well; in January 1997, this appeal was also dismissed, on the ground that the Government had, by its decision of September 1996, finalized the examination of the matter and therefore concluded the proceedings.

The complaint

3.1 The author complains that she has been discriminated against in her search for employment on the basis of her national origin and her status as an immigrant. In that context she claims that:

- Major parts of vacancy announcements of the type she applied for are tailor-made for an individual who is already chosen in advance, usually a Swedish citizen born in the country;

- Qualification requirements are higher for immigrants than they are for Swedes;

- Employers generally discriminate against immigrants in their employment policy, in that they will choose Swedes who in principle are overqualified for a certain job, whereas they will reject immigrants who are overqualified for the same post. During the interviews for the re-advertised post, the author claims, she was told that she was overqualified;

- During the interviews for the vacant post with the National Board of Health and Public Welfare, the interviewers allegedly displayed an openly negative attitude vis-à-vis the author. In fact, the author dismisses the entire interview as "false play".

3.2 The author claims that the only possibility of solving her situation and that of immigrants in Sweden who seek employment in general, would be to take measures of affirmative action, such as establishing quotas for immigrants for high-level posts, so that immigrants with higher education may obtain the possibility to work.

3.3 The author rejects as another sign of discrimination vis-à-vis her as an immigrant that the National Board considered her the least qualified and suitable of the four applicants shortlisted for the re-advertised post. She reiterates that her academic qualifications were far superior to those of S.L. (master's degree as compared with a bachelor's degree).

The State party's observations

4.1 In its submission under rule 92 of the Committee's rules of procedure, the State party challenges the admissibility of the communication.

4.2 The State party notes that the relevant sources of legal protection against ethnic discrimination in Sweden are the Instrument of Government, the Act of Public Employment and the Act against Ethnic Discrimination. The Instrument of Government lays down the basic principle that public power shall be exercised with respect for the equal worth of all (chapter one, section 2). Courts, public authorities and other performing functions within the public administration shall observe, in their work, the equality of all before the law and maintain objectivity and impartiality. When deciding on appointments within the State administration, only objective factors such as experience and competence shall be taken into account.

4.3 The Act of Public Employment reiterates the principles laid down in the Instrument of Government to the extent that when making appointments to administrative positions, the guiding factors shall be experience and competence. As a general rule, competence is valued higher than experience. Authorities must also consider objective factors that correspond to objectives of the overall labour market, equal opportunities and social and employment policies. Decisions concerning the filling of vacant posts are excluded from the normal requirement that administrative authorities must provide reasons for their decisions. The rationale for this exception is concern for the unsuccessful applicant(s), sparing him/her/them the negative evaluation such reasons might imply. Under section 35 of the Government Agencies and Institutions Ordinance, appeals against the authorities' decisions may be filed with the Government. An appeal against a decision by the National Board of Health and Welfare in matters of employment can also be filed with the Government, under section 14 of the 1996 Ordinance relating to the National Board of Health and Welfare. There are no further remedies available against the Government's decision.

4.4 Labour disputes may also be tried under the Act against Ethnic Discrimination of 1994, which aims at prohibiting discrimination in working life. Under the Act, ethnic discrimination takes place when a person or group of persons is/are treated unfairly in relation to others, or are in any way subjected to unjust or insulting treatment on the grounds of race, colour, national or ethnic origin or religious belief.

4.5 Pursuant to the terms of the Act, the Government has appointed an Ombudsman against Ethnic Discrimination whose mandate is to ensure that ethnic discrimination does not occur in the labour market or other areas of society. The Ombudsman should assist anyone subjected to ethnic discrimination and help safeguard the applicant's rights. He must make special efforts to prevent job applicants from being subjected to ethnic discrimination (sect. 4). If so directed by the Ombudsman, an employer is required to attend meetings and supply information pertaining to the employer's relations with job applicants and employees. Should the employer fail to comply with the Ombudsman's directives, the latter may levy a fine (sects. 6 and 7).

4.6 This legislation, which applies to the overall labour market, has two major thrusts. The first is the prohibition of discrimination in relation to applicants for vacancies, which is relevant to the present case. The other prohibition of discrimination covers the treatment of employees. The provision which covers the treatment of job applicants provides that any employer must treat all applicants for a post equally and that, when appointing an applicant, he may not subject other applicants to unfair treatment on account of their race, colour, national or ethnic origin or religious belief (sect. 8). This provision applies if the employer chooses someone other than the individual subjected to discrimination. Discriminatory behaviour in the recruitment process is not per se covered by the prohibition, but if, as a result, this behaviour has led to the employment of another person, the employer will be held accountable for his actions. For any treatment to constitute unlawful discrimination, it must have been motivated by differences which are not based on objective criteria. Employment considerations made by the employer must appear to be acceptable and rational to an outsider if it is to be shown that objective reasons motivated the employer's decision. Any employer who violates the prohibition of

discrimination is liable to pay damages. Job applicants who are victims of discrimination may be awarded damages, to be paid by the employer.

4.7 Under section 16 of the Act against Ethnic Discrimination, cases of discrimination in employment will be examined pursuant to the Act on Litigation in Labour Disputes. Disputes shall be handled before the Labour Court, as a court of first and last instance, if they are brought by an employer's organization or an employees' organization, or by the Ombudsman. If the dispute is brought by an individual employer or a job applicant it shall be heard and adjudicated by a District Court. Appeals may be lodged with the Labour Court, which is the final instance.

4.8 The State party submits that the author has failed to exhaust available domestic remedies, as required by article 14, paragraph 7 (a), of the Convention. It contends that contrary to the views apparently held by the author, it is possible to file actions before a court in cases of ethnic discrimination and damages based on ethnic discrimination in working life. Such an action would have been based on article 24 of the Act on Ethnic Discrimination.

4.9 The State party notes that the author does not appear to have had any contact with the office of the Ombudsman against Ethnic Discrimination, although the Ombudsman would be entitled to lodge a case about discrimination and damages on her behalf. Thus, Swedish law provides for effective judicial remedies in the author's situation. It would have been possible for the author to file an action based on non-observance of the Act on Ethnic Discrimination before the courts, and there is nothing to indicate that her complaint would not have been examined properly and thoroughly, in accordance with applicable procedures. For the Government, therefore, the case is inadmissible for failure to exhaust available domestic remedies.

4.10 Regarding the question of legal aid that might be available to persons wishing to file a case with a court, the State party indicates that under the 1972 and 1997 Legal Aid Acts it is possible to give legal aid to any natural person in a legal matter if he or she is deemed to be in need of such assistance and his or her annual income does not exceed a specific limit. In legal aid matters the claimant shall contribute to the cost in proportion to his or her ability. Legal aid may, however, not be given if it is not deemed reasonable having regard to the importance and nature of the matter and the value of the subject being disputed as well as all other circumstances in the case. Such a situation could occur if a petition does not contain reasons for the claim as prescribed by law or if the claim otherwise is deemed to be manifestly unfounded.

Author's comments

5.1 With respect to the requirement of exhaustion of domestic remedies, the author notes that she was not informed about any remedies other than appeals directed to the Government. Thus, the decision of 12 September 1996 informing her of the Government's dismissal of her appeal did not mention the possibility of an appeal to the Labour Court, either with the assistance of a union or that of the office of the Ombudsman. Nor did the Government inform her of this possibility after she appealed the decision of 12 September 1996. The author emphatically asserts that she considered Government organs "the

last authorities" in her case with respect to appellate remedies. She states that after reading an article in the newspaper on the possibility of appealing to the Labour Court she contacted her Union. The latter, however, would not take up her case.

5.2 According to the author, an appeal for assistance to the office of the Ombudsman against Ethnic Discrimination would have been futile. She asserts that the Ombudsman himself has never filed any case on behalf of an individual with the Labour Court, and that he himself has voiced serious doubts about the applicability and effectiveness of the Act against Ethnic Discrimination of 1994. She further states that she had applied for assistance from the Ombudsman on several other occasions, without success.

5.3 As to an appeal to a District Court, the author notes that this would not have been an effective remedy either. She states that in 1993 she applied for a job she did not obtain. She brought the case before a District Court claiming discrimination and requested legal aid. The District Court decided that it had no competence to examine decisions on appointments in the labour market and dismissed the case as well as the legal aid request in December 1994. By then the Act against Ethnic Discrimination which, according to the State party, provides job applicants with the possibility of filing cases before district courts, was already in force. The court's decision also indicated that the case had no prospects of success.

5.4 Moreover, the author asserts that an appeal would have incurred financial outlays which she, as an unemployed person, could not afford. In her view, if resort to a tribunal is not free of charge, she has no judicial remedy. Even so, for her, the issue is not how many judicial instances she may appeal to, but whether the existing law against ethnic discrimination may offer her a remedy; in her opinion, it does not.

Admissibility considerations

6.1 Before considering any claims contained in a communication, the Committee on the Elimination of Racial Discrimination must decide, pursuant to article 14, paragraph 7 (a), of the Convention, whether or not the current communication is admissible.

6.2 The State party contends that the author's claims are inadmissible for failure to exhaust domestic remedies, since she could have (a) sought the intercession of the Ombudsman against Ethnic Discrimination in her case; and/or (b) challenged the decision not to appoint her to the vacant post in a District Court with a possibility of appeal to the Labour Court. The author has replied that she was never informed about the possibility of the latter avenue and that appeals to the Ombudsman and the courts would in any event have failed, since the applicable legislation is deficient.

6.3 The Committee notes that the author was aware of the possibility of a complaint to the Ombudsman against Ethnic Discrimination; she did not avail herself of this possibility, considering it to be futile, and because of alleged previous negative experiences with his office. She learned about the possibility of filing an action with the Labour Court and started preparations to this effect but desisted, apparently because her trade union did not support her in this endeavour as it did not find merits in her claim. She

further considers that there was no real possibility of obtaining redress in a District Court because of a negative experience regarding a previous case that she had filed with a District Court.

6.4 The Committee concludes that, notwithstanding the reservations that the author might have regarding the effectiveness of the current legislation to prevent racial discrimination in the labour market, it was incumbent upon her to pursue the remedies available, including a complaint before a District Court. Mere doubts about the effectiveness of such remedies, or the belief that the resort to them may incur costs, do not absolve a complainant from pursuing them.

6.5 In the light of the above, the Committee considers that the author has failed to meet the requirements of article 14, paragraph 7 (a), of the Convention.

7. The Committee on the Elimination of Racial Discrimination therefore decides:

(a) That the communication is inadmissible;

(b) That this decision shall be communicated to the State party and the author of the communication.

Annex IV

Documents received by the Committee at its fifty-second and fifty-third sessions in conformity with article 15 of the Convention

The following is a list of working papers submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:

Saint Helena	A/AC.109/2071
Pitcairn	A/AC.109/2072
New Caledonia	A/AC.109/2073
Bermuda	A/AC.109/2075
United States Virgin Islands	A/AC.109/2076
Anguilla	A/AC.109/2077
Montserrat	A/AC.109/2078
East Timor	A/AC.109/2079 and Add.1
American Samoa	A/AC.109/2080
Cayman Islands	A/AC.109/2081
British Virgin Islands	A/AC.109/2082
Falkland Islands (Malvinas)	A/AC.109/2083
Gibraltar	A/AC.109/2084
Guam	A/AC.109/2086
Western Sahara	A/AC.109/2087
Turks and Caicos Islands	A/AC.109/2088
Tokelau	A/AC.109/2090

Annex V

Country rapporteurs

A. Country rapporteurs for reports considered by the Committee at its fifty-second and fifty-third sessions

Reports considered by the Committee	Country rapporteur
ARMENIA Initial and second periodic reports (CERD/C/289/Add.2)	Mr. Luis Valencia Rodriguez
CAMBODIA Second, third, fourth, fifth, sixth and seventh periodic reports (CERD/C/292/Add.2)	Mr. Mario Jorge Yutzis
CAMEROON Tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports (CERD/C/298/Add.3)	Mr. Régis de Gouttes
CROATIA Initial, second and third periodic reports (CERD/C/290/Add.1)	Mr. Mario Jorge Yutzis
CUBA Tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/319/Add.4)	Mrs. Shanti Sadiq Ali
CYPRUS Fourteenth periodic report (CERD/C/299/Add.19)	Mr. Yuri A. Rechetov
CZECH REPUBLIC Initial and second periodic reports (CERD/C/289/Add.1)	Mr. Ion Diaconu
GABON Second, third, fourth, fifth, sixth, seventh, eighth and ninth periodic reports (CERD/C/315/Add.1)	Mr. Peter Nobel

Reports considered by the Committee	Country rapporteur
HAITI Review based on previous reports (CERD/C/195/Add.1)	Mr. Carlos Lechuga Hevia
ISRAEL Seventh, eighth and ninth periodic reports (CERD/C/294/Add.1)	Mr. Michael P. Banton
JORDAN Ninth, tenth, eleventh and twelfth periodic reports (CERD/C/318/Add.1)	Mr. Michael P. Banton
LEBANON Sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/298/Add.2)	Mr. Ivan Garvalov
LIBYAN ARAB JAMAHIRIYA Eleventh, twelfth, thirteenth and fourteenth periodic reports (CERD/C/299/Add.13)	Mr. Ivan Garvalov
MOROCCO Twelfth and thirteenth periodic reports (CERD/C/298/Add.4)	Mr. Régis de Gouttes
NEPAL Ninth, tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/298/Add.1)	Mr. Peter Nobel
NETHERLANDS Tenth, eleventh, and twelfth periodic reports (CERD/C/319/Add.2)	Mr. Ion Diaconu
NIGER Eleventh, twelfth, thirteenth and fourteenth periodic reports (CERD/C/299/Add.18)	Mr. Ion Diaconu

Reports considered by the Committee	Country rapporteur
RUSSIAN FEDERATION Fourteenth periodic report (CERD/C/299/Add.15)	Mr. Luis Valencia Rodriguez
SWITZERLAND Initial report (CERD/C/270/Add.1)	Mr. Theodoor van Boven
TONGA Eleventh, twelfth and thirteenth periodic reports (CERD/C/319/Add.3)	Mr. Carlos Lechuga Hevia
UKRAINE Thirteenth and fourteenth periodic reports (CERD/C/299/Add.14)	Mr. Theodoor van Boven
YUGOSLAVIA Eleventh, twelfth, thirteenth and fourteenth periodic reports (CERD/C/299/Add.17)	Mr. Yuri A. Rechetov

B. Country rapporteur for State party which has not yet filed an initial report and which was considered by the Committee at its fifty-second and fifty-third sessions

States parties considered by the Committee	Country rapporteur
SAINT LUCIA	Mr. Yuri A. Rechetov

Annex VI

List of documents issued for the fifty-second and fifty-third sessions of the Committee

CERD/C/270/Add.1	Initial report of Switzerland
CERD/C/289/Add.1	Initial and second periodic reports of the Czech Republic, submitted in one document
CERD/C/289/Add.2	Initial and second periodic reports of Armenia, submitted in one document
CERD/C/290/Add.1	Initial, second and third periodic reports of Croatia, submitted in one document
CERD/C/292/Add.2	Second, third, fourth, fifth, sixth and seventh periodic reports of Cambodia, submitted in one document
CERD/C/294/Add.1	Seventh, eighth and ninth periodic reports of Israel, submitted in one document
CERD/C/298/Add.1	Ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Nepal, submitted in one document
CERD/C/298/Add.2	Sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Lebanon, submitted in one document
CERD/C/298/Add.3	Tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Cameroon, submitted in one document
CERD/C/298/Add.4	Twelfth and thirteenth periodic reports of Morocco, submitted in one document
CERD/C/299/Add.13	Eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya, submitted in one document
CERD/C/299/Add.14	Thirteenth and fourteenth periodic reports of Ukraine, submitted in one document
CERD/C/299/Add.15	Fourteenth periodic report of the Russian Federation

CERD/C/299/Add.17	Eleventh, twelfth, thirteenth and fourteenth periodic reports of Yugoslavia, submitted in one document
CERD/C/299/Add.18	Eleventh, twelfth, thirteenth and fourteenth periodic reports of Niger, submitted in one document
CERD/C/299/Add.19	Fourteenth periodic report of Cyprus
CERD/C/304/Add.43	Concluding observations of the Committee on the Elimination of Racial Discrimination - Russian Federation
CERD/C/304/Add.44	Concluding observations of the Committee on the Elimination of Racial Discrimination - Switzerland
CERD/C/304/Add.45	Concluding observations of the Committee on the Elimination of Racial Discrimination - Israel
CERD/C/304/Add.46	Concluding observations of the Committee on the Elimination of Racial Discrimination - Netherlands
CERD/C/304/Add.47	Concluding observations of the Committee on the Elimination of Racial Discrimination - Czech Republic
CERD/C/304/Add.48	Concluding observations of the Committee on the Elimination of Racial Discrimination - Ukraine
CERD/C/304/Add.49	Concluding observations of the Committee on the Elimination of Racial Discrimination - Lebanon
CERD/C/304/Add.50	Concluding observations of the Committee on the Elimination of Racial Discrimination - Yugoslavia
CERD/C/304/Add.51	Concluding observations of the Committee on the Elimination of Racial Discrimination - Armenia
CERD/C/304/Add.52	Concluding observations of the Committee on the Elimination of Racial Discrimination - Libyan Arab Jamahiriya
CERD/C/304/Add.53	Concluding observations of the Committee on the Elimination of Racial Discrimination - Cameroon

CERD/C/304/Add.54	Concluding observations of the Committee on the Elimination of Racial Discrimination - Cambodia
CERD/C/304/Add.55	Concluding observations of the Committee on the Elimination of Racial Discrimination - Croatia
CERD/C/304/Add.56	Concluding observations of the Committee on the Elimination of Racial Discrimination - Cyprus
CERD/C/304/Add.57	Concluding observations of the Committee on the Elimination of Racial Discrimination - Morocco
CERD/C/304/Add.58	Concluding observations of the Committee on the Elimination of Racial Discrimination - Gabon
CERD/C/304/Add.59	Concluding observations of the Committee on the Elimination of Racial Discrimination - Jordan
CERD/C/304/Add.60	Concluding observations of the Committee on the Elimination of Racial Discrimination - Cuba
CERD/C/304/Add.61	Concluding observations of the Committee on the Elimination of Racial Discrimination - Nepal
CERD/C/304/Add.62	Concluding observations of the Committee on the Elimination of Racial Discrimination - Niger
CERD/C/304/Add.63	Concluding observations of the Committee on the Elimination of Racial Discrimination - Tonga
CERD/C/315/Add.1	Second, third, fourth, fifth, sixth, seventh, eighth and ninth periodic reports of Gabon, submitted in one document
CERD/C/318/Add.1	Ninth, tenth, eleventh and twelfth periodic reports of Jordan, submitted in one document
CERD/C/319/Add.2	Tenth, eleventh and twelfth periodic reports of the Netherlands, submitted in one document

CERD/C/319/Add.3	Eleventh, twelfth and thirteenth periodic reports of Tonga, submitted in one document
CERD/C/319/Add.4	Tenth, eleventh, twelfth and thirteenth periodic reports of Cuba, submitted in one document
CERD/C/339 and Add.1	Provisional agenda and annotations of the fifty-second session of the Committee on the Elimination of Racial Discrimination
CERD/C/340	Submission of reports by States parties under article 9, paragraph 1, of the Convention for the fifty-second session of the Committee on the Elimination of Racial Discrimination
CERD/C/341 and Corr.1	Provisional agenda and annotations of the fifty-third session of the Committee on the Elimination of Racial Discrimination
CERD/C/342	Submission of reports by States parties under article 9, paragraph 1, of the Convention for the fifty-third session of the Committee on the Elimination of Racial Discrimination
CERD/C/343	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention
CERD/C/SR.1245-1274	Summary records of the fifty-second session of the Committee on the Elimination of Racial Discrimination
CERD/C/SR.1275-1303	Summary records of the fifty-third session of the Committee on the Elimination of Racial Discrimination

Annex VII

Letter addressed to the Chairman of the Committee on the Elimination of Racial Discrimination from the head of the delegation of Yugoslavia concerning the concluding observations adopted by the Committee on the eleventh to fourteenth periodic reports of Yugoslavia*

The Yugoslav delegation, having participated in the fifty-second session of the Committee on the Elimination of Racial Discrimination on the occasion of the examination of the consolidated report of the Federal Republic of Yugoslavia on 11 and 12 March 1998, avails itself of this opportunity to express its gratification for the renewed dialogue with the Committee, in the interest of future joint endeavours towards highlighting the status of rights defined in the International Convention on the Elimination of All Forms of Racial Discrimination.

The Yugoslav delegation and myself, as head of the delegation, have closely studied the conclusions and recommendations of the Committee concerning the Yugoslav consolidated report. In that connection, I would like to point out in this letter, with astonishment and concern, that some crucial positions presented during the discussion on the Yugoslav report were not reflected in the Committee's conclusions, although we believe they deserved to have been. Besides, the Committee's conclusions failed to reflect realistically the discussion and views of some of its members, and even less the actual state of affairs. Our observations are evidenced by the minutes on the mentioned sessions (CERD/C/SR.1260 and CERD/C/SR.1262).

Above all, I would like to emphasize that in the course of the consideration of our report the majority of distinguished experts clearly favoured the territorial integrity of the Federal Republic of Yugoslavia; namely, they were against the actions threatening the integrity and political unity of the country. Some experts stated that it was the constitutional right of each and every country to determine the status of different parts of its territory, and an internal affair of any country to decide on the scope of autonomy for individual parts thereof, with due respect for all their particularities. A peaceful and democratic way of tackling these problems should prevail over secession.

We are of the view that these observations of some experts should have been adequately reflected in the concluding statements of the Committee to mirror the discussion properly, the more so since the rest of the experts had not denied them, and rightly so.

In the context of the above observations, may we recall that the experts of the Committee, elected on the merits of their high ethical and professional qualities, are obliged to act independently of the politics of the Governments of the countries they come from and neither should they be carried by the current or prevailing political attitudes towards a country in question or apply double standards. The individual Committee members expressed their

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* CERD/C/304/Add.50. See also paragraphs 190-214 of the present report.

views on the above themselves, while discussing Kosovo and Metohija, mentioning the examples of Chechnya, Northern Ireland and the Basque region.

Neither have the Committee's conclusions reflected an unequivocal condemnation of terrorism, in spite of the fact that such statements had been explicitly made in the course of the discussion of the Yugoslav report. In our view, a conclusion condemning terrorism, particularly as an instrument of secession, would have realistically reflected the statements of some Committee members, and the genuine state of affairs. It would have additionally accentuated the position of the Committee as to the need to protect the rights of national minorities by political means and in keeping with the international standards in the domain, and essentially altered the conclusion on the recent (March) actions of the competent authorities in Kosovo and Metohija when, reportedly, disproportionate police and military forces were deployed against the members of the Albanian national minority in Kosovo and Metohija, and the conclusion on allegedly numerous violations of the right to life, demolition of property and resettlements.

It is my definite impression that the conclusions and recommendations of the Committee were politically hued to an inadmissible extent and largely influenced by reports of some mass media and unconfirmed or hyperbolic allegations about otherwise quite legitimate actions by the police in suppressing terrorist activities of the Albanian separatists in Kosovo and Metohija. At the same time, the conclusions and recommendations have completely neglected the issue of the rights of the members of national minorities elsewhere in the territory of the Federal Republic of Yugoslavia.

With reference to the individual conclusions, may we single out on this occasion, the conclusion of the Committee that the Yugoslav report contains mainly legislative information but no examples of implementation. We think that such a conclusion is untenable, in view of the fact that the Yugoslav report covered the period 1990-1996, the period of promulgation of the new Constitution (1992) and a series of ensuing regulations. The report therefore contains information on the federal and respective republic constitutions as well as on new and other laws governing the matter of the International Convention on the Elimination of All Forms of Racial Discrimination, but it also contains a series of examples and data about practices, more specifically on education, information and culture. Besides, the statements by the Yugoslav delegation members included much information on the issues treated by the Convention.

It is with disapproval, too, that we point to the conclusion of the Committee on non-implementation of the Memorandum-Agreement on normalization of education in Kosovo and Metohija. Such a conclusion failed to address the crux of the matter, namely that the members of the Albanian national minority from Kosovo and Metohija wilfully and on political grounds rejected the uniform education system, curricula, certificates and diplomas valid throughout the territory of the Republic of Serbia, even though, for them, teaching was anticipated in their vernacular, namely the Albanian language. We point out that the Albanian secessionist leadership has refused to talk to the representatives of the Government of the Republic of Serbia, putting forward again and again new preconditions for the Memorandum's implementation. At the time of the Committee's session, the provisions of the Memorandum-Agreement on normalizing education were being elaborated, which was

to be reflected in the conclusions. In the meantime, agreement was reached on 23 March 1998 on preliminary implementation of the Memorandum-Agreement on Education in Kosovo and Metohija dating back to 1996, and a series of actions taken giving full effect to its provisions.

One of the conclusions of the Committee contains a statement on insufficient access of certain minorities to education, public information and cultural activities in their languages, irrespective of the constitutional and legal guarantees to that effect. I am of the view that the Committee failed to take into account that the constitutional and legal provisions are non-discriminatory and that non-use of rights in the fields of education, public information and cultural activities is exercised only in the case of the members of the Albanian national minority, who arbitrarily do not want to avail themselves of these rights. In the same vein, the members of the Albanian national minority refuse to utilize their active and passive suffrage, they take no part in population censuses and the like but they selectively exercise some other rights when it suits them (free medical care, pensions and various forms of social allowances, buy-out of flats, registration of private firms and the like).

All such information and more is contained in the Yugoslav reports, and was included in statements by delegation members in the course of the discussion thereon.

In view of the above and the fact that the regulations in the Federal Republic of Yugoslavia are harmonized with the international standards in the field of protection of rights of national minorities, particularly with the Framework Convention for the Protection of National Minorities of the Council of Europe, we are sure that numerous conclusions of the Committee would have had quite a different tone had all the information stated above been taken into account.

With all due respect to the distinguished experts, I am of the view that the Committee, in drafting its conclusions and recommendations, has had in mind more the prevailing judgements and views of the international factors about the Federal Republic of Yugoslavia than the Yugoslav report itself and the statements made by the members of the Yugoslav delegation.

I would appreciate if you would kindly bring the contents of this letter to the attention of the distinguished Rapporteur, Mr. Rechetov, and other distinguished Committee members, and also give consideration to this letter at the Committee's session at the time of consideration of the next Yugoslav progress report.

Finally, may I express readiness to consider your observations on the matters raised in this letter.

(Signed) Redzep HODZA
Head of the delegation of Yugoslavia
to the fifty-second session of the
Committee on the Elimination of
Racial Discrimination

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